

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 2, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on February 2, 1983, at 1:00 p.m. in Room 325, State Capitol.

ROLL CALL: Roll was called with all members being present.

SENATE BILL 253: Senator Pat Regan, District 31, sponsor of the bill, stated the bill had been introduced by request of the Board of Public Education. She said the bill addresses a very sensitive and serious problem area in education in Montana. She stated she felt the committee is the proper arena and she was the proper sponsor as she is a teacher and a mother of four, all of whom have attended private school at some time in their educational careers, as she did herself. She stated private schools in the state provide good services and offer parents a choice. She noted it is the job of the Board of Public Education to ensure that each child in the state has a quality education.

She noted section 4, page 9 of the bill is the heart of the matter. It is a new section dealing with nonpublic school requirements for compulsory enrollment exemption. The bill would require that the parent, the guardian, or the school authority in a private or home school file a verified statement with the county superintendent demonstrating that the school is in compliance with certain criteria, i.e. basic instructional program is being offered to the students, and provides for at least 180 days of pupil instruction or as per the proposed amendment (exhibit #1) "or the equivalent". This amendment would clarify the 180 day requirement if the 4 day week were to pass. Also it provides for the teacher and/or the administration to meet certain criteria, a record to be kept of attainment, attendance, and courses completed for each student, and the county superintendent is charged with enforcement and in case of a dispute there is the right of appeal to the Board of Public Education.

PROPOSERS

John Maynard, Assistant Attorney General, stated the Attorney General's office has received several requests in the past two years regarding clarification of the present law regarding the legality of home instruction under the compulsory attendance law. Mr. Maynard presented copies of the Attorney General's opinion to the committee (exhibit #2).

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Judy Browning, Assistant Attorney General, presented the committee with a summary of selected court cases and state laws concerning school attendance (exhibit #3).

Merv Finstad, President, Montana Association of Elementary School Principals, presented his testimony in support of the bill to the committee (exhibit #4).

Representative Kelly Addy, District 62, stated the bill sets minimums not maximums. He stated Thomas Jefferson pointed to the need for an educated populace if we are to govern ourselves with the light of reason. Those who are not provided with a good education and training become a burden to society. Everyone should have input into the educational process, he said, as one person's education is another person's propaganda. If private schools are allowed to embark on a different course of instruction using instructors who may be unsuited to the subject matter or the principles of education, we are abdicating our committment to public education.

Larry Stollfuss, representing the Montana Association of County School Superintendents, spoke in support of the bill (exhibit #5).

Marie Elwood, representing County Superintendents and County Superintendent of Schools in Custer County, spoke in support of the bill (exhibit #6).

Jean Grow, Dawson County Superintendent of Schools, and representing County Superintendents of Schools, presented testimony in support of the bill (exhibit #7).

Charlene Bailey, representing County Superintendents, presented her testimony in support of the bill (exhibit #8).

Earl Reimer, representing the Association of Non-Public Schools of Montana, spoke in support of the bill (exhibit #9).

John Frankino, representing the Montana Catholic Conference, spoke in support of the bill (exhibit #10).

The time having expired for proponents testimony, Senator Brown asked those remaining proponents with written testimony to turn it in to the committee secretary for inclusion in the minutes. Those additional proponents were: Al Gunderson, representing the Board of Public Education (exhibit #11), Rod Svee, Office of Public Instruction (exhibit #12), Jim Murry, AFL-CIO (exhibit #13), Hidde Van Duym, State Board of Public Education, (exhibit #14), David Hartman, Montana Education Association (exhibit #15), Dolores Hughes, Phillips County Superintendent of Schools (exhibit #16), DeLoy Denning, Missoula County Superintendent of Schools

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(exhibit #17), Chip Erdmann, Montana School Boards Association (exhibit #18), Terry Lynn Minow, Montana Federation of Teachers (exhibit #19), Pat Callbeck Harper, representing herself (exhibit #20), Thelma Robertson, representing the Montana County Superintendents of Schools (exhibit #21).

OPPONENTS

Douglas B. Kelley, Pastor, Grace Gospel Church, Helena, presented his testimony in opposition to the bill (exhibit #22).

Representative Tom Hannah, District 67, spoke in opposition to the bill (exhibit #23).

Dr. R. J. Rushdoony, Chalcedon Vallecito, California, stated he has testified many times in the past six years in state and federal courts in the area of private school education. He noted decisions are now recognizing a conflict of interest does exist between the private sector educators and state agencies in many areas of the nation, most recently noted in the Hotchkiss decision in Michigan. He pointed out due to greater centralization of administration, the quality of education is declining. According to a recent Senate study there are 20 million graduates of public schools who are illiterate. He stated there are reasons why the private schools are developing rapidly. When the state interferes it interferes with religion and the constitutional conflict begins. He further stated Montana has an enviable reputation as a trouble free state and it would be sad to see it torn apart by legislation which invades the church prerogatives.

Dan Loomis, representing the Christian Law Association, Cleveland, Ohio, stated there is no question as to the quality of education in the Christian schools in the cases his firm has handled. He pointed out some problems he perceived in the bill. He felt the state is placed in a position of investigation and authority in the areas of appeal to the Board of Public Education and increasing of the County Superintendent's power. Christian schools believe their ministries of teaching are mandated by the Bible. Therefore, any state interference in the ministry of the church school is a violation of the constitutional separation of church and state. There is required a certain balance of interests between churches' religious convictions and the state's interest in education of all children. He feels the conflict of interest vests itself in a competitor (the state educational system trying to control its competitor, the church school). Another problem he noted was compulsory attendance

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and certification, there being no guidance or uniformity for the superintendents.

Gregory L. Dorow, Billings, presented his statement in opposition to Senate Bill 253 (exhibit #24).

Jay Wilson, Evangélist of Christ Church, Bozeman, representing the Christian Education Association of Montana, spoke in opposition to the bill (exhibit #25).

Arthur R. Lickey, representing the Montana Conference of the Seventh Day Adventists, spoke in opposition to the bill. He stated the Seventh Day Adventists operate 14 schools in Montana in full cooperation with the Board of Public Education and fear nothing from the bill in relationship to their schools. He addressed his remarks to the rights of all in the area of religious freedom. He stated safety and health concerns are valid as are requirements for a basic curriculum. He, however, sees a problem with teacher certification as certification does not necessarily make a good teacher. All certification means is control for the state. Trying to put the mold of the public school on the private church school is an infringement on the First Amendment rights of the Constitution. A religious school is not a public school. There are sufficient laws to give sufficient protection now. He noted parents are paying to put their children in private schools now and if those schools aren't doing the job the parents will pull their children out and the schools will close. The problem, if one exists, will take care of itself. He urged the committee to take a good hard close look before putting the lid of public education down on the situation. He noted the Board of Education has 100% control over public schools at present and 100% control does not guarantee quality education. He noted it doesn't work against it either, but felt a great deal of consideration must be given before a decision is reached.

Michael L. Proffitt, Whitefish, representing private schools, presented his testimony in opposition to the bill (exhibit #26).

James D. Moore, representing the New Covenant Christian School, Kalispell, presented his testimony in opposition to the bill (exhibit #27). He further noted that all the children in the school were praying for the members of the committee this week.

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Chris McBee, Bozeman, representing the Taxpayers Educational Association, presented testimony in opposition to the bill (exhibit #28).

Mrs. Mary E. Doubek, representing herself, private schools, children and parents, presented her testimony in opposition to the bill (exhibit #29).

There being no further time for opposing testimony, Senator Brown asked those remaining opponents with written testimony to turn it in to the committee secretary for inclusion in the minutes. Those additional opponents were: Jim Hearing, Pastor and Principal, Billings Christian School (exhibit #30), Phil Lindsay and Glenn Lindsay, Grace Gospel Church, Valier (exhibit #31), Bill Koerner, representing Independent Americans (exhibit #32), Joy Paul Schwenke, Sidney, (exhibit #33), Raymond Gerber, Ravalli County, (exhibit #34), Mrs. Virginia Baker, Fairfield, (exhibit #35), Sharon Sutton, Broadview (exhibit #36), Pastor Justin Fulton, Darby Baptist Temple, Darby (exhibit #37), Naomi Well, Corvallis (exhibit #38), Erik Berg, Darby Baptist Temple, Darby (exhibit #39), Lee Barrows, Cornerstone Christian Community, Great Falls (exhibit #40), Pastor Donald P. Kelley, representing the Lord Jesus Christ, Grace Gospel Church, and Liberty, Joplin (exhibit #41), Steve Valentine, Missoula Community Chapel (exhibit #42), Pastor Mike McGovern, Foursquare Gospel Church, Missoula (exhibit #43), Gregory Ammondson, representing the Roundtable of Montana, Missoula (exhibit #44), Pastor Walter Lacy, First Baptist Church, Laurel (exhibit #45), Dean Locke, Billings, (exhibit #46), John Maize, Hamilton, (exhibit #47), Jim Mapledoram, Missoula, Lyman Dee Jessop, Pine's Academy, Pinesdale, (exhibit #48), Patty Barnett, Missoula (exhibit # 49), Bill Brickey, Full Gospel Church, Eureka (exhibit #50), Earl Hargis, Pastor, Florence Bible Church and Christian Academy, Florence, (exhibit #51), Rosemary Rodgers, Helena, (exhibit #52), Pat Reis, Helena, (exhibit #53), Beverly Glueckert, Helena, (exhibit #54), John J. Thiebes, Sussex School, Missoula (exhibit #55), Pastor Russell Johnson, Seventh Day Adventist Schools of Montana (exhibit #56) William Johnson, Boulder (exhibit #57), Pastor Jim Brackett, Seventh Day Adventist Church, Billings (exhibit #58), Terry Dorow, Billings (exhibit #59), Lynn Marie Balyo, Billings (exhibit #60), John Dahl, Foursquare Christian School, East Helena (exhibit #61), Sharon Tuskin, Belgrade (exhibit #62), Monte Perry, Seventh Day Adventist Schools of Montana, Bozeman (exhibit #63), Ronnie K. Maynor, Missoula, Pastor Victor R. Alinen, Foursquare Church, East Helena, Dan Vander Jagt, Billings (exhibit #64).

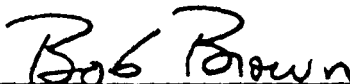
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Senator Regan closed by saying the issue has been clouded by objections. She noted the bill tries to strike a delicate balance between the parents right to choose and the state's interest in the child's total education. She felt the bill does not violate parent's choice and allows them to retain local control. She noted there is no provision in the bill that requires teacher certification. The courts have always held that basic requirements regarding health, safety, and basic core education are in order. Truancy laws require basic attendance and the amendment addresses the objection to 180 days. Finally, she noted, the bill in no way interferes with free exercise of religion or ministry of the church. If it did, Senator Regan said she would not have agreed to sponsor it. She firmly believes private schools play an important role in the educational system. They are necessary, they enrich the state, offer an excellent choice to parents of the state and are good for all of us. The bill strives to strike a delicate balance which preserves the right of parents to dictate where their children will be educated and the obligation of the state to ensure that every child is provided the opportunity to obtain a basic education.

ADJOURN: There being no further business, the meeting adjourned at 3:00 p.m.



Senator Bob Brown, Chairman

jdr

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/1/85

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	<u>X</u>		
<u>Senator Ed Smith, V. Chairman</u>	<u>X</u>		
<u>Senator Roger Elliott</u>	<u>X</u>		
<u>Senator Delwyn Gage</u>	<u>X</u>		
<u>Senator George McCallum</u>	<u>X</u>		
<u>Senator Elmer Severson</u>	<u>X</u>		
<u>Senator Harry Berg</u>	<u>X</u>		
<u>Senator Chet Blaylock</u>	<u>X</u>		
<u>Senator Jack Haffey</u>	<u>X</u>		
<u>Senator Joseph Mazurek</u>	<u>X</u>		

DATE

Feb. 2, 1983

COMMITTEE ON

Education

Hearings

BILL NO. 253

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Gregory L. Dorow			✓
Terry Dorow			✓
Lynn Baker			✓
Ed WISSENBACH	Parents High Poudre Conf		✓
Joan Powell	Parents High Poudre County		✓
Nay Parker	Pines High Poudre County		✓
BILL KOERNER	MYSELF & INDEPENDENT AMERICANS		✓
Jim Hearing	Billings Christian School		✓
John I. Dohl	Concerned Parent & School Board Member EAST Helena Foursquare Christian School		✓
John R. Allen	E Helena Foursquare Church (Pastor)		✓
Jay Wilson	Christian Education Association of Montana		✓
Ken R. L. L. L.	Grace Baptist Church		✓
LEE BARROWS	CORNERSTONE CHRISTIAN COMMUNITY		✓
DONALD P. KELLEY	GRACE CHRISTIAN SCHOOL, TOWN		✓
Lynn Baker	Private SDA Businessman		✓
Jim Brachett	SDA Pastor		✓
Lacy Hebert	Women's Lobbyist Fund		
John H. L. L. L.	Self	✓	
Gregory Amundson	Roundtable of Int.		✓
Stephen R. Valentine	Missoula Community Chapel		✓
Michael G. Mc Govern	MISSOULA FOURSQUARE CHURCH		✓
Richard Teepe	MT Assoc. of C. Sch. T.	✓	
Earle Reimer	Valley Assoc. of Non-Public Schools of MT.	✓	
John Hankins	MT. Cath. Conf	✓	
Harriet McFar	Ed of P. Sch.	✓	
Al L. L. L.	Ed of Pub Ed	✓	

(Please leave prepared statement with Secretary)

Minutes

NAME

BILL No.

ADDRESS

DATE

WHOM DO YOU REPRESENT

SUPPORT

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Russ Mary Rodgers - opposed
 Patricia Gies - opposed
 Sharon Tuskem - opposed.
 Sherry Tuskem - opposed
 Pastor Justin L. Sutton - opposed
 Marilyn Sutton - opposed
 Erik C. Berg - opposed
 Wilamena Berg - opposed
 James & Mphidian - opposed
 J. H. May, - OPPOSED
 Virginia Becker - opposed
 Karen T. McBee - opposed
 Shiloh C. McBee - opposed
 Chris McBee - opposed
 Patsy Barnett - opposed
 Sussex School - opposed
 Beverly Glueckert - opposed

DATE

February 2, 1983

COMMITTEE ON

Education & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Arlene Shook	Big Sky Christian Academy	SB 253		✓
John Shook	Big Sky Christian Academy	SB 253		✓
Frank C. C. C.	Tutor			
Virginia Stollman	Co. Supt. Schools	SB 253	✓	
Mrs. M. C. C.	Burns Christian School	SB 253		✓
Ellie C. C.	Billings Christian School	SB 253		✓
Maury Conley	Billings Christian School	SB 253		✓
Maury Conley	Billings Christian School	SB 253		✓
Karen K. K.	Billings Christian School	SB 253		✓
Maury C. C.	Billings Christian School	SB 253		✓
Maury C. C.	Grace Gospel Ministry	SB 253		✓
Belle T. T.	Grace Gospel Ministry	SB 253		✓
Brent W. W.	Cross Community Church	SB 253		✓
Jim O'Connor	Altman Bros. Realtors	SB 253		✓
Michael T. T.	Southwest Christian Acad.	SB 253		✓
Robert A. A.	Bible Baptist Church School	SB 253		✓
Carroll C. C.	Bible Baptist Christian School	SB 253		✓
Carroll C. C.	Grace Gospel Ministry	SB 253		✓
Carroll C. C.	Billings Christian School	SB 253		✓
Carroll C. C.	Billings Christian School	SB 253		✓
Carroll C. C.	Billings Christian School	SB 253		✓
Carroll C. C.	Salvation Army	SB 253		✓
Carroll C. C.	Billings Baptist Temple	SB 253		✓
Carroll C. C.	Billings Baptist Temple	SB 253		✓
Carroll C. C.	John Harp	SB 253		✓
Carroll C. C.	Big Sky Christian Academy	SB 253		✓

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VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mark Christison	Big Sky Christian Academy	SB 253		✓
Stephen Barnes	Big Sky Christian Ac.	SB 253		✓
Jeff Lewis	Big Sky Christian Acad.	SB 253		✓
Daniel W Shawver	Big Sky Christian Acad.	SB 253		✓
Nathan Finley	Big Sky Christian Acad.	same one		really
Jeff Christison	" "	" "		✓
Dina Riley	" "	" "		
Tammi Fritz	" "	" "		
Danger Riley	" "	" "		
Nick Fugate	Baptist Tabernacle ^{WILSON CITY} Newburg	SB 253		✓
Edward Sperry	Big Sky Christian Acad	SB 253		✓
Debra Sperry	Big Sky Christian Acad	253		✓
Kelly Douglas Summers	Grace Gospel	253		✓
Raney Isaac	Grace Gospel Academy	253		✓
Christie Zebert	Emmanuel Christian ^{senior}	253		✓
Laura Allestad	Emmanuel Christian	253		✓
Hobie Werner	Grace Gospel church	253		✓
Dustin Kuhns	He " "	4253		✓
Ok L Allestad	Emmanuel Christian School	SB 253		✓
William C. Lewis	Big SKY Christian	253		X

(Please leave prepared statement with Secretary)

DATE

2/2/83

Education and Cultural Resources

COMMITTEE ON

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Joanne Clark	Grace Gospel Academy	SB 253		✓
Robert M. Mulberg	Grace Gospel Academy	SB 253		✓
Marc Cramer	HELENA CHRISTIAN Fellowship	253		
Elkin D. Murr	Grace Gospel Academy	253		✓
Kathy Rowley	Grace Gospel Acad	253		✓
Gary L. Clark	Grace Gospel Academy	253		✓
Lannie Kennedy	TWEET - AIDE	253		
Ann Vondral	Donaldson Aide	253		
St. Nicholas	Smith + Jones Aide	253		
Donnie Helvin	Missoula Community Chapel	253		✓
Kay Clark	" " "	"		"
Samuel L. Chang	" " "	253		✓
Cherise Swan	Bozeman Christian Ch.	253		✓
Robert Ferguson	Christ's Church	253		✓
Dale Ferguson	Christ's Church	253		
Kathy Brackett	Seventh-Day Adventist Church	253		
James H. Wickenburg	Seventh-Day Adventist Ch.	253		✓
Harley M. Dell	Missoula Community Chapel	253		✓
Kathy M. Chang	Missoula Comm. Chapel	253		✓
Larry Olson	Kendrick Christian Academy	253		✓
Jela Hinebaugh	Kendrick Christian Academy	253		✓
Suellen Davies	Bozeman Christian Ch.	253		✓
Lonna Nelson	Christ's Church	253		✓
Margie Moore	KAPPELL - N.C.S.	253		✓
Mary Carol Melkeno	Sen Gary Akkestad	253		
Ronan Pagekept	Blue Sky Hts. Church, MT	253		✓

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Barbara Goll	Christ's Church	SB 253		✓
Matty McHenry	Christ's Church	SB 253		✓
Wanda Dornier	Christ's Church	SB 253		X
Nora Frame	No church	SB 253		—
Don Schiele	Lewis & Clark Christian Academy	SB 253		X
Finch & Bippes	Missoula Com. Chapel	SB 253		✓
Jayne F. Bippes	Missoula Community Chapel	SB 253		✓
Blue Kepton	MT Home Schoolers Association	SB 253		✓
Janet Donscoroski	Missoula Community Chapel	SB 253		✓
Jan Donscoroski	Missoula Community Chapel	SB 253		✓
John Lee	Lavina, Montana	SB 253		✓
Elton Lee	Lavina, Montana	SB 253		✓
Don Kautzman	Summit Valley Christian School	SB 253		✓
Charlene Kautzman	Summit Valley Christian School	SB 253		✓
Dwayne C. Miller	Summit Valley Christian School	SB 253		✓
Rudy Miller	Summit Valley Christian School	SB 253		✓
Kevin Horne	Grace Gospel Christian	SB 253		✓
Joseph L. Neuenberger	Old Fashion Baptist Church	SB 253		✓
Joseph L. Neuenberger	Grace Gospel	SB 253		✓
John Neuenberger	Old Fashion Baptist Church	SB 253		✓
Doug Medlar	Pines Academy	SB 253		✓
Janet Bierer	Pines Academy High	SB 253		✓
Lynn Genter	Pines High	SB 253		✓
Terry Powell	Pines High	SB 253		✓
Max Bradshaw	Pines High	SB 253		✓
Andrea Bradshaw	Pines High	SB 253		✓

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jennifer Litagow	Pines High	SB253		✓
Margaret Reynolds	Pines High	SB253		✓
Ruth Wissenbach	Pines High	SB253		✓
Linda O. Macorn	Mtla. Com. Chapel School	SB253		✓
William E. Mason	Mtla. Com. Chapel School	SB253		✓
Carol Wissenbach	Pines High	B 253		✓
John Hansen	Pines High	B 253		✓
Pickard Wissenbach	Pines High	SB 253		✓
Reber Bieren	Pines High	SB 253		✓
Jobbie J. Hart	Missoula Community Chapel School	SB-253		✓
Ray M. Hart	Mtla Community Chapel School	SB 253		✓
Steve M. Johnson	Missoula Community Chapel School	SB 253		✓
Michelle Robinson	Mtla Comm Chapel Christian Sch	SB253		✓
KELLY Horne	Grace Gospel	11		✓
Lynita Maskland	Grace Gospel Church	SB253		✓
Linda O'Connor	Grace Gospel Church	SB253		✓
Wanda Poelman	Grace Gospel Church	SB253		✓
Allen D. Erickson	Grace Gospel Church School	SB 253		✓
Larry M. Erickson	Grace Gospel Church School	SB253		✓
Led L. Whitting	Self	SB 253		✓
Keith Whitting	Lord - School	SB253		✓
Steve Kurland	Christ Church Glenview	SB253		✓
Wall Kurland	Christ Church Glenview	SB253		✓
Steve Vick	Christ's Church Bozeman	SB253		✓
Gene Hunkeler	Christ's Church Glenview	SB253		✓
Don Hunkeler	Christ's Church Glenview	SB 253		✓

DATE:

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

negan amendment

Exhibit #1
February 2, 1983

Amendments to SB 253

1. Page 10, line 3 and 4.
Following: "instruction"
Strike: remainder of lines 3 and 4
Insert: "or the equivalent"

HOME SCHOOLS AND THE COMPULSORY ATTENDANCE STATUTES

In August, 1980, the attorney general of Montana, Mike Greely, issued his opinion that home schools are illegal because the "private institution" exception to the law means "private school" and does not apply to a parent who teaches his children at home.

Montana compulsory attendance statutes do not exclude the home as a "private institution;" in fact, the term "private institution" is not even statutorily defined. Furthermore, case law in two states¹ has already interpreted the phrase "private school" to include home instruction.

Mr. Greely based his opinion on an early but often quoted opinion, *State v. Cownort*.² In reaching his decision he relied on one excerpt from the *Cownort* opinion which is quoted in a study on compulsory attendance law.³ This study misreads the *Cownort* decision and promotes a distorted concept of "private school" by citing only this one excerpt from it, which states:

We do not think that the giving of instruction by a parent to a child, conceding the competency of the parent to fully instruct the child in all that is taught in the public schools, is within the meaning of the law "to attend a private school." Such a requirement means more than home instruction. It means the same character of school as the public school, a regular, organized and existing institution, making a business of instructing children of school age in the required study and for the full time required by the laws of this state.⁴

Focusing on this excerpt alone leads to an inaccurate conclusion. Even *Cownort* does not support such a generalization, for the *Cownort* court stated directly:

Undoubtedly a private school may be maintained in a private home in which the children of the instructor may be pupils. This provision of the law is not to be determined by the place where the school is maintained, nor the individuality or number of the pupils who attend it. It is to be determined by the purpose, intent and character of the endeavor.⁵

The object of compulsory attendance laws is that all children be educated, not that they be educated in any particular manner or place. In *People v. Levison*, the Supreme Court of Illinois further elaborated:

The law is not made to punish those who provide their children with instruction equal or superior to that obtainable in the public schools. It is made for the parent who fails to properly educate his child.⁶

A recognition of the right of the parents, acting in good faith and particularly out of deep religious conviction, to direct and control the education of their own children must be observed. This right was most assuredly recognized in 1972 when the Supreme Court of the United States ruled that in certain cases, i.e. those raising valid Free Exercise claims under the First Amendment, the Constitution requires not only that parents be permitted to enroll their children in a private school, as mandated in *Pierce*⁷ and *Farrington*,⁸ but that parents need not enroll their children in any statutorily recognized educational program.⁹

Courts in many jurisdictions have dismissed suits against or ruled in favor of parents who taught their children at home regardless of state compulsory attendance statutes or state board regulations, by limiting the extent of state regulation of private schools and home schooling, as can be documented by the cases appended to this statement.

"There is no more private relationship, except marriage, which the Constitution safeguards than that between parent and child. The Court looks upon any invasion of that relationship as a direct violation of one's Constitutional right to privacy."¹⁰

FOOTNOTES

- ¹ *People v. Levison*, 404 Ill., 574 90 NE 2d 213 (1950) and *State v. Peterman*, 32 Ind. App. 665, 70 NE 550 (1904).
- ² *State v. Counort*, 69 Wash. 361, 124 P. 910 (1912).
- ³ K. Alexander & K. F. Jordan, *Legal Aspects of Educational Choice: Compulsory Attendance and Student Assignment* (NOLPE Second Monograph Series on Legal Aspects of School Administration, No. 4, 1973), pp. 26 and 30.
- ⁴ *Counort*, 361.
- ⁵ *Ibid.*, 364.
- ⁶ *Levison*, 574.
- ⁷ *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).
- ⁸ *Farrington v. Tokushique*, 273 U.S. 284 (1927).
- ⁹ *Wisconsin v. Yoder*, 406 U.S. 234 (1972).
- ¹⁰ *Merriken v. Cressman*, Pa. (1973).

APPENDIX

1. Every state is constitutionally required to permit children to attend private schools in lieu of public school attendance. *Pierce v. Society of Sisters*, 268 U.S. 534 (1925).
2. Parents can choose the education scheme that best meets the principles underlying their way of life, provided the latter is sufficiently defined. The state cannot assert the role of *parens patriae* over the parents' interest. The state's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on other fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children. *Wisconsin v. Yoder*, 406 U.S. (1972).
3. The state cannot interfere with a parent's right to make affirmative decisions concerning his child's disposition, particularly where spiritual, cultural or psychological factors are involved. *Finot v. Pasadena City Bd. of Ed.*, 58 Cal. Rptr. 520; 250 Cal. 2d 226 (1967); *Dickens v. Ernesto*, 37 A.D. 2d 102, 322 N.Y.S. 2d 581 (1971).
4. Compulsory attendance statutes cannot violate parents' First Amendment right to free exercise of religion and rights to privacy in family relations. *Minnesota v. Lundsten*, Beltrami County, MN (1980).
5. "The right of the parent to determine what studies his child shall pursue is paramount to that of... trustees or teachers." *State ex rel Sheibley v. School Dist. No. 1 of Dixon County et al*, 31 Neb. 552, 48 NW 393 (1891).
6. Despite the compulsory school attendance laws, the parent retains the right to direct the education of his child. *Van Allen v. McCleary*, 27 Wis. 2d 81; 211 N.W.S. 2d 501 (1961).
7. The schools cannot compel the child to pursue study that is forbidden by the parent. *Norow v. Wood*, 35 Wis. 59, 17 Am. Rep. 471 (1874).
8. The state cannot interfere with the right of a parent to control his child's education. *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965).
9. The individual citizen has the fundamental right to direct the upbringing of his own children. *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Yoder*; *Pierce*.
10. The state cannot force children to accept standardized instruction. *Pierce*.
11. Parental rights of bringing up children cannot be interfered with, and there must be freedom from all substantial arbitrary impositions and purposeless restraints. *Poe v. Ullman*, 367 U.S. 497 (1961); *Prince v. Massachusetts*, 321 U.S. 158 (1944).
12. The parent has the ultimate constitutional right to govern or control his own progeny. "It would be revolutionary and possibly subversive to hold that any such overreaching powers exist in the state or any of its agencies." *Hardwick v. Bd. of School Trustees of Fruitridge School Dist.*, 54 Cal. App. 696; 205 P. 49 (1921); *Rulison et al v. Post* 79, 111. 567 (1875); *Trustees of Schools v. The People ex rel Markin Van Allen*, 87 Ill. 303 (1877); *State ex rel Kelly v. Ferguson et al*, 95 Neb. 63; 144 NW 1039 (1914); *State v. Zobel*, 81 S.D. 260; 134 NW 2d 101 (1965); *Shepherd v. State*, 306 P. 2d 346 (1957).
13. Case law in Indiana interprets the statutes that state the child does not have to attend public school if he is provided with instruction equivalent to that given in the public school, to include home instruction. *State v. Peterson*, 32 Ind. App. 665, 70 NE 550 (1904).
14. Case law has determined that home instruction is included in the language of the statute ("elsewhere") even though it is not specified in the language of the statute. *State v. Massa*, 95 N.J. Super. 382, 231 A. 2d 252 (1967); *Wright v. State*, 21 Okla. Crim. 430, 209 P. 179 (1922); *In re Foster*, 69 Misc. 2d 400, 330 N.Y.S. 2d 8 (1972).
15. The parents' operation in their home of a non-accredited private school in possible noncompliance with the state's compulsory school attendance law does not render them liable for failure to provide education of the child. *Nebraska v. Rice*, 204 Neb. 732, 285 NW 2d 223 (1979).
16. State statutes must give way to the documented and sincere religious beliefs of the parents to educate their children. *Michigan v. Nobel*, Nos. S-791-0114-A, S-791-0115-A (57th D.Ct. for the City of Allegan, Michigan, filed Dec. 12, 1979).
17. No one can be compelled to send his child to any school to which he may be conscientiously opposed. *Kentucky v. Rudasill*, 589 SW 2d 877 (Oct. 9, 1979).
18. State department of education minimum standards cannot deprive parents of their traditional interest to direct the upbringing and education of their children by violating their First and Fourteenth Amendment rights to the U.S. Constitution. *Ohio v. Whisner*, 47 Ohio St. 2d 181 (1976).
19. Compulsory school attendance must yield to First Amendment concerns. *Vermont v. LaBarge*, 357 Atl. 2d 321 (1974).

1. Validity of prior law

Word "inadvisable" within this section is unconstitutionally vague when used as the sole standard for involuntary exclusion of a student from public education. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

2. Construction and application

This section does not establish grounds for involuntary removal of a child from public school attendance and, hence, does not authorize a school district to initiate an exemption over objection of the parents. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

Provision of this section exempting from attendance, at public school, children whose mental and physical condition prevent or render it inadvisable for them to attend does not apply to children of superior intelligence. *In re Simon* (1961) 16 Cal.Rptr. 165, 186 C.A.2d 683.

The exemptions from, or exceptions to, Educ.C.1959, § 12101 (repealed; see, now, § 48201) found in the subsequent sections, did not constitute part of the definition or description of the offense, which is the failure of parents to send their children to a public school. *People v. Turner* (1951) 283 P.2d 685, 121 C.A.2d Supp. 603, appeal dismissed 74 S.Ct. 785, 347 U.S. 972, 68 L.Ed. 1112.

A statute which, without qualification or exception, requires parents to place their children in public schools, would be unconstitutional. *Id.*

Failure of complaint, for neglecting and refusing to send children to a public school, to allege that children were not within any of classes exempted from requirement of Educ.C.1959, § 12101 (repealed; see, now, § 48201) of attendance at public school by provisions of following sections did not prevent complaint from charging public offense. *Id.*

If a child is excluded from attendance by the governing board of a school district under Educ.C.1959, §§ 19552, 19553, 19925 or 12152 (repealed; see, now, §§ 48211, 48212, this section, and § 48201) because of mental illness or emotional disturbance, the school district cannot assign teachers under Educ.C.1959, § 4152 (repealed; see, now, § 51901) to instruct such children confined in private child care centers. 36 Ops.Atty.Gen. 145, 19-20-60.

3. Purpose

Purpose of this section is to relieve a specified category of children from obligation of public school attendance and to exempt their parents from penalties, otherwise imposed, for a violation of compulsory attendance laws. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

Denial of instruction at public expense a fundamental right, requires a due process hearing. *Id.*

4. Due process

Use of exemption procedures to exclude child from public school for behavior problem operated to deny student and those similarly situated of due process protection afforded by statutes where, aside from a failure to give any consideration to student's mental or physical condition, school district failed to give further consideration to question whether student's attendance was inimical to welfare of other children. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

Action of school district in excluding student from public school over parental objection was fatally defective where, aside from question of student's mental or physical condition, no consideration was given to question whether student's attendance was inimical to welfare of other children. *Id.*

5. Evidence

A physician's certificate is not a condition precedent to a showing of mental or physical disability to warrant an involuntary removal or exclusion of child from a public school on ground that child's attendance is inimical to welfare of other children. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

6. Review

Issues raised on appeal from order legally exempting student from school attendance were not moot because student was no longer on an exempt status, or because of changes in school district's regulations relating to exemption, where student was still subject to exemption process or time of trial and, though proceedings followed by district in processing exemption had been modified, practice of involuntary removal on grounds authorized for exemption still existed. *Abella v. Riverside Unified School Dist.* (1970) 135 Cal.Rptr. 177, 65 C.A.3d 153.

shall, except under the circumstances described in Section 30, be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Exemptions under this section shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of Section 33190 requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical Note

Derivation: Educ.C.1959, § 12154 (Stats.1959, c. 2, p. 886, § 12154, amended by Stats.1967, c. 200, p. 1300, § 2; Stats. 1970, c. 822, p. 1550, § 1).

School C. 1.143. Stats.1961, c. 270, p. 388, § 1, as amended (see Derivation under § 48201).

Educ.C.1943, § 18024 (Stats.1943, c. 71, p. 642).

Constitutional Provisions

Article 9, § 8 provides that no public money may be appropriated for support of sectarian schools and also prohibits teaching of sectarian doctrine in any common school.

Article 19, § 5 provides grants for sectarian purposes.

Cross References

Bilingual education act of 1972, see § 52101 et seq.
Compulsory continuation education, exemption, see § 48415.
Loan of specialized instructional material to handicapped pupils, see § 49014.
Loan of state adopted instructional materials, see § 49015.
Mentally gifted children, keeping attendance, see § 48223.
Nonpublic school as one satisfying requirements of this section, see § 60026.
Pupils in nonpublic schools, enrollment in vocational, shop and natural and physical activity classes, see § 51113.
Schoolbus transportation of pupils of private schools, see § 12701.
Serving market milk to consumer, exemption, see Food and Agriculture Code § 31502.
Transportation of pupils attending other than public school, see § 39006.

Law Review Commentaries

Constitutionality of statute requiring children under the eighth grade (1924) use of the English language in teaching 12 C.L.R. 130.

§ 48222. Attendance in private school

Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school

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§ 48224. Instruction by tutor

Children not attending a private, full-time, day school and who are being instructed in study and recitation for at least three hours a day for 175 days each calendar year by a private tutor or other person in the several branches of study required to be taught in the public schools of this state and in the English language shall be exempted. The tutor or other person shall hold a valid state credential for the grade taught. The instruction shall be offered between the hours of 8 o'clock a. m. and 4 o'clock p. m.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

Historical Note

Derivation: Educ.C.1943, § 12155 (Stats.1943, c. 2, p. 946, § 12155, amended by Stats.1948, c. 1251, p. 3276, § 119.3).
Educ.C.1943, § 10925 (Stats.1943, c. 71, p. 642).

Notes of Decisions

Construction and application 2
Validity of prior law 1

1. Validity of prior law

Educ.C.1943, § 10901, 10921, 10921, 10925 (repealed; see, now, § 48209, 48220, 48222) and this section require parents to place their children in public schools or, in the alternative, a private school meeting certain prescribed conditions, or that children be instructed, by private tutor or other person possessing qualifications, in manner prescribed by Educ.C.1943, § 10925 (repealed; see, now, this section) did not unconstitutionally deprive parents of right to determine how and where their children should be educated. People v. Turner (1954) 253 P.2d 685, 121 C.A.2d Supp. 861, appeal dismissed 74 S.Ct. 785, 347 U.S. 972, 98 L.Ed. 1112. In this case the court said: "It is not without significance that, although it has been said that 'only eleven of the forty-eight states permit by statute that instruction may be given at home by their parent or tutor,' and 'such home instruction moreover is specifically conditioned except in two states' (Parental Right in Educational Law, Loughery, Catholic University of America Press, 1952), we have been unable to find a single case in which it has been held that so-called compulsory attendance statutes are rendered unconstitutional and void merely by reason of a failure to recognize home instruction as an alternative to attendance in the public schools."

This section in permitting home instruction only by persons possessing valid state

credentials was not unconstitutionally discriminatory notwithstanding the fact that Educ.C.1943, § 10924 (repealed; see, now, § 48222) did not require teachers in exempted private schools to hold such credentials. People v. Turner (1954) 253 P.2d 685, 121 C.A.2d Supp. 861, appeal dismissed 74 S.Ct. 785, 347 U.S. 972, 98 L.Ed. 1112. In this case the court said: "Nor do we see any merit in the claim of defendants that the statute under consideration is unreasonable or arbitrary in that, while exempting private schools, it does not require teachers therein to hold a valid state credential for the grade taught," but a private tutor or other person in order to be exempted under section 10925 (Stats.C.1943, repealed; see, now, this section) must possess such a certificate. If, as we have seen, the state might have refused to grant an exemption in the case of children being instructed at home by their parents or a private tutor without rendering the statute vulnerable to the charge of unconstitutionality, we see no reason why objection can be raised to a statute which, while granting an exemption in such cases, conditioning the same by requiring such parents or tutors to possess certain qualifications even if these be stricter than those required of teachers in private schools. In the light of this, defendants may not be heard to assert that they have been discriminated against because the legislature conditioned the exemption granted to private instruction outside of a public or private school in requiring persons so undertaking to teach outside of such schools to possess qualifications different from those prescribed for teachers in private schools. Were it otherwise, however, it may not be said

that there is not a reasonable basis for the distinction in question. The most obvious reason for such difference in treatment is that pointed out in Hoyt v. State, supra, [41 N.H. 39, 140 A. 179], namely, the difficulty in supervising without unreasonable expense a host of individuals, widely scattered, who might undertake to instruct individual children in their homes as compared with the less difficult and expensive supervision of teachers in organized private schools. Also the legislature might reasonably have concluded that teachers in private schools would be under direct supervision of their school authorities at all times, and that the interests of the persons conducting the same would compel the maintenance of the required standard of instruction by competent instructors for otherwise the school would fall to qualify for the exemption granted thereby, and without pupils it could not continue to exist."

2. Construction and application

"Taking of courses provided by correspondence school was not education in 'private full-time day school' entitling children to exemption from attendance at public schools where parents, who acted as teachers, had no valid state credential, and children were not taught civics or California history. In re Silas (1901) 10 Cal.Rep. 105, 195 C.A.2d 683.

"Proof of proper instruction and study would be no defense to prosecution for neglecting and refusing to send children to public school. People v. Turner (1954) 253 P.2d 685, 121 C.A.2d Supp. 861, appeal dismissed 74 S.Ct. 785, 347 U.S. 972, 98 L.Ed. 1112. In this case the court said: "Thus we are brought to the final contention of the defendants that inasmuch as they claim that the instruction given to their children is as good or better than that obtainable in a public or private school or through the medium of a person possessing the qualifications set forth in section 10925 (Educ.C.1943, repealed; see, now, this section), the purpose of the statute, which is said to be simply to require an adequate education and not one conducted in a particular manner or place, has been fully satisfied. The complete answer to this is also to be found in the Hoyt case [41 N.H. 39, 140 A. 179], from which we again make the liberty of quotation as such exemption to the duty imposed. The only substitute for the public school is an approved private school. P. L. c. 118, § 1.

"If the defendants' allegations that 'said child was taught by a private tutor in his own home' could be construed to

show attendance at a private school (see State v. Connor, 96 Wash. 261, 124 P. 819, 41 L.R.A.N.S. 161), there is no objection that the statute has been designated as a private school "to be treated as approved within the meaning of this title." P.L. c. 118, § 11; see, XXVIII. Not having been approved as required by the statute, it is not "an approved private school." P.L. c. 118, § 1.

"Decisions from other jurisdictions, which are based upon statutes making the attainment of certain proficiency by the child, or furnishing a certain amount of instruction, an excuse for nonattendance at the public school (Commonwealth v. Roberts, 159 Mass. 372, 34 N.E. 402; DeVan v. Shewar (1911) 2 K.B. 599), are not applicable here, because our statute makes no such exception. § 4

"Varying the statement a little, the argument is advanced that the only object of the statute is to compel a certain amount of proper instruction and study, and that proof thereof is an answer to the charge in any event. This claim fails to take into account the true nature of the charge. While the ultimate object of the statute is the education of the child, means to assure the attainment of that end may be adopted by the state, and may be enforced by the imposition of penalties for violating the regulations made. As stated earlier in this opinion, the state is entitled to establish a system whereby it can be known, by reasonable means, that the required teaching is being done."

Quoted text, in Educ.C.1943, § 10924 (repealed; see, now, § 48222) exempting students in "private schools" did not comprehend a parent or private tutor instructing at home under this section. People v. Turner (1954) 253 P.2d 685, 121 C.A.2d Supp. 861, appeal dismissed 74 S.Ct. 785, 347 U.S. 972, 98 L.Ed. 1112.

Failure of complaint under Educ.C.1943, § 10901 et seq. (repealed; see, now, § 48209 et seq.) for neglecting and refusing to send children to a public school, to allege that children were not within any of classes exempted from requirement of attendance at public school in provisions of Educ.C.1943, §§ 10921, 10924 (repealed; see, now, §§ 48209, 48222) and this section, did not prevent complaint from charging public offense. Id.

Petitioner, an Indian child whose parents as well as herself were citizens of the United States and of the state and who never belonged to any tribe within Dawes Act of 1887 (U.S.Comp. 4 2631), was entitled to attend as a pupil a school conducted by the governing body of the school district of which she was a resident and a citizen, in view of Const. Art. 9, § 14, 5 and Const.U.S. Amend. 14, and could not be excluded under former Political C. § 1922, subd. 2, 3 (repealed).

120.095 SCHOOL CENSUS.

Subdivision 1. Except as otherwise provided in this section, the school board of each district shall cause to be taken an enumeration, called the school census of all persons under 21 years of age on September 1 during the year the census is taken. The school census shall show the name and date of birth of each person required to be enumerated and the name and address of his parent, guardian, or other person having charge of such child, and such other data as the state board may require.

Subd. 2. The school census shall be taken by the clerk of the board, or by some other person appointed by the board. Such person taking such census shall certify to the board the correctness of the enumeration and the information therein contained. The board shall fix the compensation for such work. Each child shall be counted in only one district, being that in which he resides on September 1 and the enumeration period shall be from September 1 through October 1.

Subd. 3. The school census shall be taken each year during the period September 1 through October 1 and reported in summary form to the department of education before October 15 of each census year in all districts except as follows:

In districts including cities of the first class and other school districts in which the district boundaries coincide with those of federal census tracts the decennial and middecade census tabulation made by the federal bureau of the census may be substituted for the prescribed enumeration.

Subd. 4. The school board of any district, at its option, may establish a permanent and continuing census or enumeration that will keep current the data required by subdivisions 1 to 3.

Subd. 5. The school census shall include an enumeration of children requiring special education by categories as designated by the state board and as required for reports deemed necessary by the commissioner of education.

Subd. 6. The school census shall include an enumeration of children of limited English proficiency residing within the district by primary language. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English proficiency residing in the school district. As used in this subdivision, the following terms have the meanings given them:

(a) "Children of limited English proficiency" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof have difficulty reading, writing, speaking and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language; and

(b) "Primary language" means a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 7. The school census shall include an enumeration of American Indian children resident within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

History: 1969 c 1082 s 1; 1971 c 84 s 1.2; 1977 c 306 s 13; 1977 c 312 s 12; 1980 c 609 art 3 s 1

120.10 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

120.10 COMPULSORY ATTENDANCE.

Subdivision 1. Ages and term. Every child between seven and 16 years of age shall attend a public school, or a private school, during the entire time that the school is in session during any school year. No child shall be required to attend a public school more than 200 days or their equivalent, during any school year.

Subd. 2. School. A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects, and (2) which is in session each school year for at least 175 days or their equivalent; provided that in a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262.

Subd. 3. Legitimate exemptions. A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a trustee officer, a principal, or the superintendent. The school board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) That the child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(2) That the child has already completed the studies ordinarily required in the tenth grade; or

(3) That it is the wish of the parent, guardian, or other person having control of the child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction shall be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, shall be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Subd. 4. Issuing and reporting excuses. The clerk or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish.

History: Ex1959 c 71 art 1 s 10 subds 2.3; 1961 c 567 s 1; 1967 c 82 s 1; 1969 c 161 s 1.2; 1974 c 326 s 1; 1975 c 162 s 3; 1977 c 306 s 14; 1977 c 447 art 7 s 2.3; 1978 c 616 s 2; 1978 c 706 s 1; 1980 c 609 art 3 s 2

120.11 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

120.11 SCHOOL BOARDS AND TEACHERS, DUTIES.

It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children between six and 16 years of age, with excuses, if any, granted in such district, to the superintendent or principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal shall provide the teachers in

"subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall, after a written warning has been served and a period of three weeks allowed for compliance, rescind approval of the program, even though the two year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

History: L. 1874, ch. 123, § 1; L. 1903, ch. 423, § 1; L. 1919, ch. 272, § 1; L. 1923, ch. 182, § 1; R.S. 1923, 72-4801; L. 1965, ch. 409, § 1; L. 1968, ch. 356, § 1; L. 1969, ch. 316, § 1; L. 1976, ch. 310, § 1; L. 1980, ch. 217, § 3; July 1.

Revisor's Note:

Section transferred from 72-4801.

Research and Practice Aids:

Schools and School Districts § 91.

Hatcher's Digest, School Districts §§ 463 to 470.

Law Review and Bar Journal References:

Discussed in 1963-65 survey of municipal corporations, J. Richard Foth, 14 K.L.R. 329, 335 (1965).

Discussed in "Compulsory High School Attendance and the Old Order Amish: A Commentary on State v. Garber," Robert C. Casad, 16 K.L.R. 423 (1969).

Cited in survey discussion of decision applying act to Amish, Robert I. Guenther, 17 K.L.R. 333, 334, 339 (1969).

Mentioned: schools should be within prescriptions of Kansas Act Against Discrimination (44-1001 et seq.), Jerry L. Bean, 20 K.L.R. 468, 476 (1972).

Cited in "Student Fees in Public Schools: New Statutory Authority," Joe Allen Lang, 16 W.L.J. 439, 442, 460 (1977).

Discussed in "One State's Struggle with Wisconsin v. Yoder: the Kansas Compulsory School Attendance Statute and the Free Exercise of Religion," Wayne Dowling Morris, 17 W.L.J. 574 (1978).

CASE ANNOTATIONS

Annotations to L. 1903, ch. 423, § 1:

1. Section cited but not construed in mandamus action, Williams v. Parsons, 79 K. 202, 207, 99 P. 216.

2. Child who attends private or parochial school not part of a day without a valid excuse accepted by the state.

The State v. Will, 89 K. 167, 169, 170, 160 P. 1025.

Annotations to L. 1923, ch. 182, § 1:

3. School regulations expelling pupil for refusal to salute flag held invalid; freedom of religion, State v. Smith, 155 K. 588, 589, 127 P.2d 518.

4. Incorporated "orphan" home held persons within meaning of school attendance statute; Mariakali Child v. Home Belvedere School Dist., 165 K. 49, 50, 51, 180 P.2d 612.

5. Mentioned; school district liable under 72-621 for transportation of pupil; Kimminau v. Common School District, 170 K. 124, 127, 223 P.2d 699.

6. "Home school" held not equivalent of "private, denominational or parochial school"; construed with 72-1103; conviction under 72-4802 upheld, State v. Lowry, 191 K. 702, 703, 704, 383 P.2d 962.

7. Home instruction does not meet the requirements of the compulsory school attendance law, State v. Garber, 197 K. 567, 568, 569, 419 P.2d 896.

8. Special provision of compulsory attendance law applicable to Amish; this statute referred to in court's note 3. State of Wisconsin, *Petitioner v. Jonas Yoder et al.*, United States Supreme Court No. 70-110, 40 LW 4476.

72-1112.

History: L. 1968, ch. 356, § 2; Repealed, L. 1969, ch. 312, § 6; May 10.

72-1113. Compulsory school attendance; reporting noncompliance; definition of "truant," "inexcusably absent"; applicability of act. (a) Each board of education shall designate one or more employees, whose responsibility it shall be to report to the judge of the district court of the county which is the home county of the school district all cases of truancy. Such designation shall be made no later than September 1 of each school year, and shall be certified to the appropriate district court judge no later than ten (10) days thereafter by the clerk of the board of education.

(b) Whenever a child is required by law to attend school and such child is not enrolled in a public or nonpublic school, such child is a truant. Reports of cases of truancy under this subsection shall be made by designees of boards of education of public school districts under subsection (a) of this section.

(c) Whenever a child is required by law to attend school and such child is inexcusably absent therefrom on either three (3) consecutive days or five (5) or more days in any semester, such child is a truant. A child is inexcusably absent from school if he or she is absent therefrom on all or a significant part of a day without a valid excuse accepted by the school employee designated by

the board of education to have responsibility for the school attendance of such child.

(d) Each board of education shall adopt rules for determination of valid excuse for absence from school and for determination of what shall constitute a "significant part of a day" for the purpose of this section.

(e) Each board of education shall designate one or more employees, who shall each be responsible for determining the acceptability and validity of offered excuses for absence of specified children, such that such a designee is responsible for making such determination for each child enrolled in school.

(f) As used in this section "board of education" means the board of education of a school district or the governing authority of a nonpublic school. The provisions of this act shall apply to both public and nonpublic schools.

History: L. 1969, ch. 316, § 2; L. 1972, ch. 254, § 1; L. 1973, ch. 279, § 1; L. 1976, ch. 145, § 231; Jan. 10, 1977.

72-1114. Authorization for school district self-evaluation; effect; limitations. The board of education of any school district may make a self-evaluation on a district-wide basis in accordance with self-evaluation guides of the state board of education. Whenever any self-evaluation is completed by a school district, the same shall be submitted to the state board of education, and if approved by it, such self-evaluation requirement of such school district for a period of five (5) years from the date of such approval. Accreditation under the provisions of this act shall be sufficient for the purposes of K.S.A. 72-116 and for all other purposes specified by statute or rules and regulations of the state board of education adopted pursuant to K.S.A. 72-7513. The provisions of K.S.A. 72-1101 and 72-1103 shall apply to school districts accredited under this act and other specific statutory requirements relating to school districts shall also apply.

History: L. 1972, ch. 277, § 1; July 1.

72-1115. Same; rules and regulations for annual validation of status. The state board of education shall adopt rules and regulations providing for annual reports from school districts which are accredited under K.S.A. 72-1114, and such rules and regulations shall provide for annual validation

tion of the accreditation status of any school district during the five (5) year period specified in K.S.A. 72-1114.

History: L. 1972, ch. 277, § 2; July 1.

72-1116. Same; accreditation of school district includes accreditation of schools. Accreditation of a school district under the provisions of this act shall be deemed to include accreditation of every school in such school district, but no school by school or building by building accreditation shall be separately determined or awarded.

History: L. 1972, ch. 277, § 3; July 1.

Article 12.—HEARING TESTING

Revisor's Note:

This article was formerly entitled "Free Kindergarten."

Cross References to Related Sections:

Other health programs, see ch. 72, art. 52.

72-1201.

History: L. 1907, ch. 325, § 1; R.S. 1923, 72-1201; L. 1939, ch. 251, § 2; L. 1943, ch. 248, § 40; Repealed, L. 1969, ch. 312, § 6; May 10.

72-1202.

History: L. 1921, ch. 102, § 1; R.S. 1923, 72-1202; L. 1927, ch. 262, § 1; L. 1929, ch. 232, § 1; Repealed, L. 1943, ch. 248, § 42; June 30.

72-1203.

History: L. 1927, ch. 262, § 2; Repealed, L. 1943, ch. 248, § 42; June 30.

Source or prior law:

L. 1921, ch. 102, § 2; R.S. 1923, 72-1203.

72-1204. Hearing testing programs; definitions. As used in this act: (a) "School board" means the board of education of any school district or the governing authority of any nonpublic accredited school.

(b) "School" means all elementary and secondary schools accredited by the state board of education.

(c) "Basic hearing screening" means a hearing testing program for each child conducted with a calibrated audiometer.

History: L. 1969, ch. 361, § 1; July 1.

72-1205. Same; free tests; who performs tests; reports to parents. Each school board shall provide basic hearing screening without charge to every pupil in its schools during the first year of admission and not

blind and severely disabled in agreement with the state board of vocational education are not eligible for membership in the teachers' retirement system, even though persons employed by the state board of vocational education are employees of the state board of education. Op. Att'y Gen., Dec. 30, 1974.

Since nutritional aides are part-time employees of the cooperative extension service

of West Virginia University, they are excluded from membership in the teachers' retirement system by the express provisions of this section. Op. Att'y Gen., Oct. 23, 1975.

Employment by county court of teacher as secretary to county superintendent of schools cannot be credited as prior service in computing the teacher's record. 45 Op. Att'y Gen. 578 (1954).

§ 18-7A-35a. Prior service credit for former members of the state teachers retirement system employed in a nonteaching capacity.

Any former member of the state teachers retirement system who was employed as a regular full-time employee in a nonteaching capacity by a board of education, school principal or school administrator, prior to the time he became eligible for membership in the state teachers retirement system, shall be eligible for prior service credit for such service. Upon making application to the retirement board and providing satisfactory evidence, prior service credit shall be granted and his retirement allowance shall be recomputed and adjusted to include such prior service credit. Any increased retirement allowance resulting from the provisions of this section shall not be retroactive. (1975, c. 196.)

ARTICLE 8.

COMPULSORY SCHOOL ATTENDANCE.

- | | |
|---|---|
| <p>Sec. 18-8-1. Commencement and termination of compulsory school attendance; exemptions.</p> <p>18-8-2. Offenses; penalties; cost of prosecution.</p> <p>18-8-3. Appointment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.</p> <p>18-8-4. Duties of attendance director and assistant directors.</p> <p>18-8-5. Duties of principals and teachers.</p> <p>18-8-6. Refusal or neglect of county attendance director and other persons to perform duties; penalty.</p> | <p>Sec. 18-8-7. Aiding or abetting violations of compulsory attendance; penalty.</p> <p>18-8-8. Child suspended for failure to comply with requirements and regulations treated as unlawfully absent.</p> <p>18-8-9. Report and disposition of fines collected.</p> <p>18-8-10. Compulsory education of deaf and blind; offenses; penalties; names of deaf and blind.</p> |
|---|---|

§ 18-8-1. Commencement and termination of compulsory school attendance; exemptions.

Compulsory school attendance shall begin with the seventh birthday and continue to the sixteenth birthday.

Exemption from the foregoing requirements of compulsory public school attendance shall be made on behalf of any child for the following causes or

conditions, each such cause or condition being subject to confirmation by the attendance authority of the county:

Exemption A. Instruction in a private, parochial or other approved school. — Such instruction shall be in a school approved by the county board of education and for a time equal to the school term of the county for the year. In all such schools it shall be the duty of the principal or other person in control, upon the request of the county superintendent of schools, to furnish to the county board of education such information and records as may be required with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years;

Exemption B. Instruction in home or other approved place. — Such instruction shall be in the home of such child or children or at some other place approved by the county board of education and for a time equal to the school term of the county. The instruction in such cases shall be conducted by a person or persons who, in the judgment of the county superintendent and county board of education, are qualified to give instruction in subjects required to be taught in the free elementary schools of the State. It shall be the duty of the person or persons giving the instruction, upon request of the county superintendent, to furnish to the county board of education, such information and records as may be required from time to time with respect to attendance, instruction, and progress of pupils enrolled between the ages of seven and sixteen years receiving such instruction;

Exemption C. Physical or mental incapacity. — Physical or mental incapacity shall consist of incapacity for school attendance and the performance of school work. In all cases of prolonged absence from school due to incapacity of the child to attend, the written statement of a licensed physician or authorized school nurse shall be required under the provisions of this article;

Exemption D. Residence more than two miles from school or school bus route. — The distance of residence from a school, or school bus route providing free transportation, shall be reckoned by the shortest practicable road or path, which contemplates travel through fields by right of permission from the landholders or their agents. It shall be the duty of the county board of education, subject to written consent of landholders, or their agents, to provide and maintain safe foot bridges across streams off the public high-ways where such are required for the safety and welfare of pupils, whose mode of travel from home to school or to school bus route must necessarily be other than along the public highway in order for said road or path to be not over two miles from home to school or to school bus providing free transportation;

Exemption E. Hazardous conditions. — Conditions rendering school attendance impossible or hazardous to the life, health, or safety of the child;

Exemption F. High school graduation. — Such exemption shall consist of regular graduation from a standard senior high school;

Exemption G. Granting work permits. — The county superintendent may, after due investigation, grant work permits to youths under sixteen years of age, subject to state and federal labor laws and regulations: Provided, that a work permit may not be granted on behalf of any youth of normal intelligence who has not completed the eighth grade of school;

Exemption H. Serious illness or death in the immediate family of the pupil. — It is expected that the county attendance director will ascertain the facts in all cases of such absences about which information is inadequate and report same to the county superintendent of schools;

Exemption I. Destitution in the home. — Exemption based on a condition of extreme destitution in the home may be granted only upon the written recommendation of the county attendance director to the county superintendent following careful investigation of the case. A copy of the report confirming such condition and school exemption shall be placed with the county director of public assistance. This enactment contemplates every reasonable effort that may properly be taken on the part of both school and public assistance authorities for the relief of home condition officially recognized as being so destitute as to deprive children of the privilege of school attendance. Exemption for this cause shall not be allowed when such destitution is relieved through public or private means;

Exemption J. Church ordinances; observances of regular church ordinances.

— The county board of education may approve exemption for religious instruction upon written request of the person having legal or actual charge of a child or children: Provided, however, that such exemption shall be subject to the rules and regulations prescribed by the county superintendent and approved by the county board of education.

The completion of the eighth grade shall not exempt any child under sixteen years of age from the compulsory attendance provision of this article: Provided, that there is a public high school or other public school of advanced grades or a school bus providing free transportation to any such school the route of which is within two miles of the child's home by the shortest practical route or path as hereinbefore specified under exemption D of this section. (1897, c. 98, § 10a; 1903, c. 26, § 10a; 1908, c. 27, § 72; 1919, c. 2, § 122; Code 1923, c. 45, § 122; 1939, c. 48, § 1; 1951, c. 80.)

ALR references. — Extent of legislative power with respect to attendance, 39 ALR 477; 53 ALR 832.

Releasing public school pupils from attendance for purposes of attending religious education classes, 167 ALR 1473; 2 ALR2d 1371. Religious beliefs of parents as defense to prosecution for failure to comply with compulsory education law, 3 ALR2d 1401.

What constitutes "private school" within statute making attendance at such a school compliance with compulsory school attendance law, 14 ALR2d 1369.

Expenditure of public funds to promote education. — While the compulsory school attendance statutes relate to children in the designated age range, it is a well-established legal principle that the promotion, at public expense, of education beyond the age of sixteen and even in colleges and universities is regarded as fulfillment of a public purpose, to promote the public welfare, and that expenditure of public funds for such purposes is proper. State ex rel.

et rel. Hughes v. Board of Educ., 154 W. Va. 107, 174 S.E.2d 711 (1970), dismissed, 403 U.S. 944, 91 S. Ct. 2274, 29 L. Ed. 2d 854 (1971).

As to dual enrollment ("shared time") educational plans for school children between public and nonpublic schools, see Op. Att'y Gen., Sept. 8, 1966.

Stated in Deitch v. Board of Educ., 145 W. Va. 722, 117 S.E.2d 138 (1960); State ex rel. Hughes v. Board of Educ., 154 W. Va. 107, 174 S.E.2d 711 (1970), dismissed, 403 U.S. 944, 91 S. Ct. 2274, 29 L. Ed. 2d 854 (1971).

Cited in State v. Nangle, 82 W. Va. 224, 95 S.E. 833 (1918); Morrison v. Smith-Pocahontas Coal Co., 88 W. Va. 158, 106 S.E. 448 (1921); West Virginia State Bd. of Educ. v. Barnett, 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628, 147 A.L.R. 674 (1943).

§ 18-8-2. Offenses; penalties; cost of prosecution.

Any person who, after due notice has been served upon him as hereinafter provided, shall fail to cause a child or children in his legal or actual charge to attend school as hereinbefore provided, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than three nor more than twenty dollars together with the costs of prosecution, or confined in jail not less than five nor more than twenty days. Every day a child is out of school contrary to the provisions of this article shall constitute a separate offense. Justices of the peace shall have jurisdiction of offenses under this section.

Whenever a person accused of violating any of the provisions of this article has been tried and acquitted, the cost of prosecution shall be paid by the county board of education out of the maintenance fund of the county. (1897, c. 98, § 10a; 1903, c. 26, § 10a; 1908, c. 27, § 72; 1919, c. 2, § 122; Code 1923, c. 45, § 122; 1939, c. 48, § 1; 1951, c. 80.)

Prosecution. — If the parents of school age children fail to keep them in school, they should be prosecuted by the prosecuting attorney of the county in which they live. 45 Op. Att'y Gen. 327 (1953).

§ 18-8-3. Appointment of county director of school attendance and assistants; qualifications; salary and traveling expenses; removal.

The county board of education of every county shall, not later than August first of each year, appoint a county director of school attendance and such assistant attendance directors, as deemed necessary. Such persons shall have the written recommendation of the county superintendent.

The county board of education may set up such special and professional qualifications for attendance directors and assistants as are deemed expedient and proper and are consistent with regulations of the state board of education relating thereto: Provided, that those persons who served as attendance directors or assistant directors during the school year (one thousand nine

§ 79-201 SCHOOLS

- 79-208. Compulsory attendance; nonattendance lists; transmission to enforcement officers.
- 79-209. Compulsory attendance; entry or withdrawal of student; teachers' attendance reports.
- 79-210. Compulsory attendance; attendance officers; powers and duties; compensation.
- 79-211. Compulsory attendance; nonattendance; report to attendance officer; enforcement.
- 79-212. Special schools; purpose; equipment; instruction.
- 79-213. American citizenship; required instruction; patriotic exercises; duties of officers.
- 79-214. Character education; principles of instruction; duty of teachers.
- 79-215. Character education; outline of instruction; duty of Commissioner of Education.
- 79-216. Violations; penalty.

79-201. Compulsory education; attendance required; length of school term. Every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child, not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational, or parochial day schools each day that such schools are open and in session except when excused by school authorities, unless such child has been graduated from high school. The term shall not be less than one hundred seventy-five days in any district, except that in the event of the failure of any district which receives twenty per cent or more of its total receipts for general fund purposes from federal sources, to actually receive receipts anticipated at the time of the adoption of the school budget from taxes, state funds, federal funds, tuition, or other sources, the board of education of such district may, at any time during the school year, elect to close all or part of its schools.

Source: Laws 1901, c. 70, § 1, p. 454; laws 1903, c. 95, § 1, p. 549; Laws 1905, c. 140, § 1, p. 575; Laws 1907, c. 131, § 1, p. 430; R.S.1913, § 6924; Laws 1919, c. 155, § 1, p. 346; Laws 1921, c. 53, § 1(a), p. 227; C.S.1922, § 6508a; Laws 1929, c. 87, § 1, p. 340; C.S.1929, § 79-1901; R.S.1943, § 79-1901; Laws 1949, c. 256, § 7, p. 692; Laws 1953, c. 291, § 1, p. 988; Laws 1959, c. 380, § 1, p. 1322; Laws 1971, LB 211, § 1; Laws 1971, LB 582, § 1.

The state, having a high responsibility for the education of its citizens, has the power to impose reasonable regulations for the control and duration of basic education. Parents have a right to send their children to private schools but do not have the right to be completely unfettered by reasonable government regulations as to the quality of the education furnished and the maintenance of minimum standards. *State ex rel. Douglas v. Faith Baptist Church* 207 Neb. 802, N.W.2d 571 (1981).

Violation of this law is not, in itself, evidence of neglect under section 43-202(2)(c), R.R.S. 1943. *State v. Rice*, 204 Neb. 733, 285 N.W.2d 223 (1979).

This section did not operate to violate constitutional right of parents to educate their children in accordance with the tenets of their religious faith. *Meyerkorth v. State*, 173

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§ 79-201.05

ing special school. *Schutte v. Decker*, 164 Neb. 889, 115 N.W.2d 585.

This section has no application to physically or mentally handicapped child attend.

79-201.01. Year-round operation of public schools; purpose. The purpose of sections 79-201.01 to 79-201.09 is to promote increased efficiency in the utilization of public schoolhouses and other school facilities by providing for a program of year-round operation of the public schools of this state. The Legislature finds that the cost of education is substantially increased when schoolhouses sit idle for three months of the year and that the rural and pioneer conditions which dictated summer closing of public schools no longer prevail in many of the school districts of the state.

Source: Laws 1973, LB 65, § 1.

79-201.02. Year-round operation of public schools; may convert. Commencing July 1, 1974, any public school district in this state may convert to year-round operation under the provisions of sections 79-201.01 to 79-201.09.

Source: Laws 1973, LB 65, § 2.

79-201.03. Year-round operation of public schools; State Board of Education; approve. No public school district shall convert to a year-round operation without obtaining approval therefor by the State Board of Education based upon a determination that the plans therefor comply with the provisions of sections 79-201.01 to 79-201.09 and the rules and regulations adopted by the State Board of Education pursuant thereto.

Source: Laws 1973, LB 65, § 3.

79-201.04. Year-round operation of public schools; feasibility; board of education; study. The board of education of any school district proposing to convert to a year-round operation shall study the feasibility thereof and prepare a plan of operation and submit the results of such study and plan to the State Board of Education.

Source: Laws 1973, LB 65, § 4.

79-201.05. Year-round operation of public schools; feasibility study; contents. Such feasibility study shall be conducted pursuant to rules and regulations of the State Board of Education. Such study shall take into account (1) the present and projected enrollment of the district as a whole and for each grade actually taught, (2) the extent of utilization of existing schoolhouses and other school facilities, (3) the savings of future construction costs that would result from year-round operation, (4) the problems of school staffing that might result, (5) the

§ 3321.02 Who amenable to compulsory education laws. (GC § 4849-1)

Every child actually resident in the state shall be amenable to the laws relating to compulsory education, and neither he nor the person in charge of him shall be excused from the operation of said sections or the penalties under them on the ground that the child's residence is seasonal, that the parent of the child is a resident of another state, or that the child has attended school for the legal period in another state.

HISTORY: GC § 4849-1; 128 v 475 (846), § 1. EF 10-1-81. For an analogous section, see former GC § 7774. RS § 4022-10; 84 v 337, § 6; 90 v 359, § 10; 95 v 620, § 4022-10; 100 v 376 (935).

Research Aids

Persons subject:
O-Jur2d: Schools § 144-146
Am-Jur2d: Schools § 227

CASE NOTES AND OAG

1. The general assembly has established no statutory law by which the state board of education can take action against private schools for failure to meet standards established by the regulations of the state board of education, except the compulsory attendance statutes. State ex rel Chaffin v. Glick, 172 OS 249, 255, 15 OOR2d 410, 175 NE2d 68.

2. Former GC § 7655-7 (repealed, 120 v 475 [809], § 2; 7780 (see now RC § 3327.04) and 7778 (see now RC § 3321.02), and other sections of the General Code, which make the education of children of certain ages compulsory and give pupils qualified to enter high school the right to select the high school they wish to attend, if there is no such school in their districts, do not impose upon the boards of education of the schools so selected the clear legal duty to accept such pupils, and a writ of mandamus will not issue to force them to do so. State ex rel Wright v. Board of Education, 57 App 229, 10 OO 417, 13 NE2d 371 (appeal dismissed, 133 OS 65).

§ 3321.03 Compulsory school attendance.

Except as provided in this section, the parent of a child of compulsory school age shall cause such child to attend a school in the parent's school district of residence or participate in a special education program under Chapter 3323. of the Revised Code, or shall otherwise cause him to be instructed in accordance with law. Every child of compulsory school age shall attend a school or participate in a special education program that conforms to the minimum standards prescribed by the state board of education until the child either:

(A) Receives a diploma granted by the board of education or other governing authority instituting he has successfully completed the high school curriculum;

(B) Receives an age and schooling certificate as provided in section 3331.01 of the Revised Code; or
(C) Is excused from school under standards adopted by the state board of education pursuant to section 3321.04 of the Revised Code, or if in need of

(A) The superintendent of schools of the city, exempted village, or county school district in which the child resides, may excuse him from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That his bodily or mental condition does not permit his attendance at school or a special education program during such period; this fact is certified in writing by a licensed physician or, in the case of a mental condition, by a licensed physician, a licensed psychologist, licensed school psychologist or a certificated school psychologist; and provision is made for appropriate instruction of the child, in accordance with Chapter 3323. of the Revised Code;

(2) That he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or a special education program or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or his parents may be proceeded against after due notice whether such excuse be recalled or not.

(B) The state board of education may adopt rules authorizing the superintendent of schools of a district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians.

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the city, exempted village, or county school district in which a public school is located or the governing authorities of a private or parochial school may in the rules governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The state board of education may by rule prescribe conditions governing the issuance of excuses, which shall be binding upon the authorities empowered to issue them.

HISTORY: GC § 4849-3; 120 v 475(801); 126 v 635(79) (EF 1-3-56); 128 v 535 (EF 3-1-60); 134 v 475 (EF 12-20-71); 136 v 11-455. EF 6-27-76.

For an analogous section, see former GC § 7763. RS § 4022-1-86 v 333; 87 v 143; 87 v 316; 89 v 380; 90 v 615; 101 v 310; 103 v 864; 104 v 225; 109 v 376; 111 v 63.

Cross-References to Related Sections:
Income tax credit for payment toward cost of home instruction, RC § 5747.05.
Taxpayer's payment toward cost of home instruction credit for income tax, RC § 5747.05.
See RC § 3321.38, 3331.08 which refer to this section.

Text Discussion

Child labor laws. 2 Anderson's Ohio Family Law § 20.4
Excuses. Drury § 7.12

Research Aids

Compulsory attendance:
O-Jur2d: Schools § 144-148
Am-Jur2d: Schools § 227-231

Law Review

The Amish school controversy. James T. Haight. 31 Obar (No.28) 846.
The Role of the Advocate in Securing the Hampered Child's Right to an Effective Minimal Education. Richard C. Handel. 36 OSLJ 349.

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1. (1976) The basic standard of classification of the Ohio educational standards (which existed prior to 136 v H 455) excluding from the free and mandatory public school system only those children who have been found incapable of profiting substantially by further instruction is not unconstitutionally discriminatory. Cuyahoga Cty. Ass'n for Retarded Children v. Essex, 411 Fsupp 46.

1.1 The general assembly stated in this section that it is the duty of every parent to see that a child between six and eighteen does in fact attend school unless excused therefrom for one or more of the reasons set out in the latter part of the statute. A close examination of those reasons fails to disclose that marital duties, such as house cleaning, cooking, washing, caring for infants, etc., are among them. State v. Gans, 168 OS 174 (181). 5 OOR2d 472, 151 NE2d 709.

2. The enactment of the compulsory education laws created a new right and prescribed the exclusive remedy and penalty for its violation. The remedy available to persons seeking to restrain the operation of certain private schools which they allege do not meet the minimum requirements required by law is limited to that provided by such statutes. State ex rel Chaffin v. Glick, 113 App 23, 17 OOR2d 33, 177 NE2d 293.

2.1 (1973) Title 42, § 1983, U.S. Code (the civil rights act) was not intended to hold school officials liable in damages when in attempting to carry out their official responsibilities they act unlawfully or unconstitutionally, unless it is demonstrated that such action was done with malice, ill will, lack of good faith, or under circumstances amounting to a gross abuse of discretion. Swigert v. Miller, 39 OApp2d 107, 68 OOR2d 256, 315 NE2d 818.

NAME Judy Browning BILL NO. SB 253
ADDRESS Atty Gen's Office DATE 2-2-83
WHOM DO YOU REPRESENT Atty Genl
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VOLUME NO. 38

OPINION NO. 95

BOARD OF PUBLIC EDUCATION - Board is responsible for determining whether private institutions' instructional programs satisfy requirements of law;

EDUCATION - "Private institutions" do not include parents who teach their children at home;

MONTANA CODE ANNOTATED - Sections 20-4-101, 20-5-102, 20-5-103, 20-5-104, 20-5-106, 20-7-111;

1972 MONTANA CONSTITUTION - Article 10, sections 1 and 6.

HELD: 1. The "private institution" exception to Montana's compulsory attendance law does not apply to a parent who teaches his children at home.

2. Teachers at "private institutions" need not hold Montana teaching certificates.
3. The Board of Public Education is responsible for determining whether a private institution provides instruction in the program the Board prescribes pursuant to section 20-7-111, MCA.

7 August 1980

Willis M. McKeon, Esq.
Phillips County Attorney
Phillips County Courthouse
Malta, Montana 59538

Dear Mr. McKeon:

You have requested my opinion concerning a number of questions related to the "private institution" exception to Montana's compulsory school attendance law. I have summarized your questions and stated them in the following form:

1. Does the "private institution" exception to Montana's compulsory school attendance law apply to a parent who teaches his children at home?
2. Must teachers at "private institutions" hold Montana teaching certificates?
3. Who is responsible for determining whether "private institutions" in Montana provide instruction in the program prescribed by the Board of Public Education?

Neither the specific questions you have asked nor the particular facts out of which they arise suggest any conflict between compulsory school attendance and freedom of religion. However, consideration of that factor is essential in addressing this area of the law in light of the fact that most private educational institutions are established by religious groups.

Your questions should first be viewed against the backdrop of the applicable provisions of the Constitution of the State of Montana. Montana Constitution, article 10, sections 1 and 6 provide:

Section 1. Educational goals and duties.

(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 6. Aid prohibited to sectarian schools.

(1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect or denomination.

(2) This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to non-public education.

It is important to note at the outset that the Constitution recognizes the state's legitimate interest in the education of its citizens. At the same time, the Constitution implicitly recognizes the existence and legitimacy of private sectarian schools.

As the United States Supreme Court noted in Brown v. Board of Education, 347 U.S. 483, 493 (1954), "[i]n these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education." To further the goal of developing the full

educational potential of each person, the Legislature enacted Montana's compulsory attendance law, section 20-5-103, MCA, which provides:

(1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to attend the school in which he is enrolled for the school term and each school day therein prescribed by the trustees of the district until the later of the following dates:

(a) the child's 16th birthday;

(b) the date of completion of the work of the 8th grade.

(2) The provisions of subsection (1) do not apply in the following cases:

(a) The child has been excused under one of the conditions specified in 20-5-102.

(b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.

(c) The child has been suspended or expelled under the provisions of 20-5-202.

(Emphasis added.)

According to section 20-5-102, MCA, a child may be excused from the operation of the compulsory attendance law if the child is:

(a) enrolled in a private institution which provides instruction in the program prescribed by the board of public education pursuant to 20-7-111:

(b) enrolled in a school of another district or state under any of the tuition provisions of this title;

(c) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;

(d) excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this title;

(e) excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child; or

(f) excused by the board of trustees upon a determination that such attendance by a child who has attained the age of 16 is not in the best interest of the child and the school.

(Emphasis added.)

The term "private institution" is not defined in conjunction with the "private institution" exception. Therefore, a brief look at the history of the compulsory attendance law is necessary in order to shed some light on what was contemplated by the Legislature when it provided for the "private institution" exception.

Prior to the turn of the century, section 1920, Montana Codes Annotated 1895, provided:

Every parent, guardian or other person in the state of Montana, having control of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school, or private school taught by a competent instructor, for a period of at least twelve weeks in each year, six weeks of which time shall be consecutive; PROVIDED, That such parent, guardian or other person having control of such child or children shall be excused from such duty by the school board of the district wherever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons exist therefor, to-wit:

1. That such child is taught at home by a competent instructor in such branches as are usually taught in the public schools.

2. That such child has already acquired the branches of learning taught in the public schools.

3. That such parent, guardian or other person is not able by reason of poverty, to properly clothe such child.

4. That such child is in such a physical or mental condition (as declared by a competent physician, if required by the board) to render such attendance inexpedient or impracticable.

5. That there is no school taught the requisite length of time within two and one-half miles of the residence of such child by the nearest traveled road; PROVIDED, That no child shall be refused admission to any public school on account of race or color.

(Emphasis Added.)

Section 1920 was amended in 1903 to include specific subjects in which children were to be instructed. The reference to home study was made even more explicit by the amendatory language. The law then provided in pertinent part:

All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography, physiology and hygiene, and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school,...unless the child is excused from such attendance...upon satisfactory showing ...that the child is being instructed at home.

1903 Mont. Laws. ch. 45, § 1.

The law remained in substantially that form until 1971, when the law underwent extensive revision. 1971 Mont. Laws, ch. 5. At that time the express provision for home instruction was eliminated. The rejection of the home instruction exception in the 1971 laws buttressed by the use of the term "private institution" in the new statutory scheme leads to the conclusion that the "private institution" exception to Montana's compulsory school attendance law does not apply to a parent who teaches his children at home. Cases from other jurisdictions support this conclusion.

In State v. Hoyt, 84 N.H. 38, 146 A. 170 (1929), the Supreme Court of New Hampshire addressed the rationale underlying the state's interest in compulsory attendance at public or private institutions:

Education in public schools is considered by many to furnish desirable and even essential training for citizenship, apart from that gained by the study of books. The association with those of

all classes of society, at an early age and upon a common level, is not unreasonably urged as a preparation for discharging the duties of a citizen. The object of our school laws is not only to protect the state from the consequences of ignorance, but also to guard against the dangers of "incompetent citizenship."

In State v. Counort, 69 Wash. 361, 124 P. 910 (1912), the supreme court of Washington, addressing the definition of "private school" stated:

We do not think that the giving of instruction by a parent to a child, conceding the competency of the parent to fully instruct the child in all that is taught in the public schools, is within the meaning of the law "to attend a private school." Such a requirement means more than home instruction. It means the same character of school as the public school, a regular, organized and existing institution, making a business of instructing children of school age in the required study and for the full time required by the laws of this state.

In Board of Education of Central School District No. 1 v. Allen, 392 U.S. 236, 245 (1968), the United States Supreme Court noted:

[a] substantial body of case law has confirmed the power of the states to insist that attendance at private schools, if it is to satisfy state compulsory-attendance laws, be at institutions which provide minimum hours of instruction, employ teachers of specified training, and cover prescribed subjects of instruction. Indeed, the state's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory education statutes. These cases were a sensible corollary of Pierce v. Society of Sisters: if the State must satisfy its interest in secular education through the instrument of private schools, it has a proper interest in the manner in which those schools perform their secular educational function.

Consistent with these interpretations, then, I conclude that a parent cannot comply with the compulsory attendance law by simply teaching his or her child at home.

With respect to your second question, section 20-4-101(1), MCA, provides:

In order to establish a uniform system of quality education and to ensure the maintenance of professional standards, a system of teacher and specialist certification shall be established and maintained under the provisions of this title and no person shall be permitted to teach in the public schools of the state until he has obtained a teacher certificate or specialist certificate or the district has obtained an emergency authorization of employment from the state.

This statute applies exclusively to persons wishing to teach in public schools. While recent decisions of the United States Supreme Court indicate that the state's interest in education is such that the state can impose reasonable regulations on private schools, the Montana Legislature has not addressed the minimum qualifications of those who teach in private schools. Therefore, at the present time, teachers at "private institutions" need not hold Montana teaching certificates.

Your final question arises because of the requirement that "private institutions," in order to qualify for the exception to the compulsory attendance law, must provide "instruction in the program prescribed by the board of public education." Because the Board of Public Education prescribes the program of instruction referred to in the statute, private institutions are entitled to a determination by the Board as to whether their particular program complies. Therefore, the Board of Public Education may review programs which may be submitted to them annually by private institutions, to determine whether they comply with the board's requirements and issue a statement to those institutions that are in compliance. However, this review may not impose teacher certification requirements upon teachers, librarians, and guidance counselors. An institution which does not obtain a statement of compliance from the board may seek judicial review or present its justification in court during the course of the proceedings initiated by an attendance officer when he finds a child who is not enrolled in an appropriate institution.

If the attendance officer, provided for in section 20-5-104, MCA, discovers that a child subject to compulsory attendance is not enrolled in a school providing the required instruction and has not been excused under the provisions of Title 20, MCA, he must "notify in writing the parent, guardian, or other person responsible for the care of the child that the continued truancy or nonenrollment of his child shall result in his prosecution...." "If the child is not enrolled and in attendance at a school or excused from school within 2 days after the receipt of the notice, the attendance officer shall file a complaint against such person in a court of competent jurisdiction." § 20-5-106(1), MCA.

Throughout the investigation and research of your request, I have found a great deal of concern on the part of parents and educators alike about the state's role in insuring the quality of "private institutions." What I have attempted to do in this opinion, absent any controlling decisions from our Supreme Court in this area, is demonstrate how courts from other jurisdictions and the United States Supreme Court have in the past interpreted language similar to that found in our statutes. However, a great many questions remain unanswered. These include constitutional questions regarding the extent to which states may impose requirements on private educational institutions. See Wisconsin v. Yoder, 406 U.S. 205 (1972). They are questions that should be addressed by the Legislature.

Insofar as this opinion has clarified the current state of the law, its effect should be prospective and it should not be used to penalize parents who in good faith may have relied on interpretations of the law from other sources and may in the future wish to return their children to the public school system.

THEREFORE, IT IS MY OPINION:

1. The "private institution" exception to Montana's compulsory attendance law does not apply to a parent who teaches his children at home.
2. Teachers at "private institutions" need not hold Montana teaching certificates.
3. The Board of Public Education is responsible for determining whether a private institution provides instruction in the program the board prescribes pursuant to section 20-7-111, MCA.

A SUMMARY OF SELECTED COURT CASES AND STATE LAWS
CONCERNING
SCHOOL ATTENDANCE

I. UNITED STATES SUPREME COURT DECISIONS

1925 Pierce v. Society of Sisters (268 U.S. 510)

Oregon law requiring compulsory attendance at public schools, with no exceptions for private schools, was held unconstitutional as an unreasonable interference with parents' right to direct the upbringing of their children.

COMMENT: The Court's opinion states (at page 534) "No question is raised concerning the power of the State reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school..."

1972 Wisconsin v. Yoder (406 U.S. 205)

Wisconsin law requiring attendance at public or private schools through the age of 16 was held unconstitutional as applied to Old World Amish children who had graduated from 8th grade.

COMMENT: The Court stressed that the Old World Amish had a history of three centuries as an identifiable religious sect and a long history as a successful and self-sufficient segment of American society; thus, the Amish had "convincingly demonstrated the sincerity of their religious beliefs...and the adequacy of their alternative mode of continuing informal vocational education." The Court went on to state (at page 236): "Nothing we hold is intended to undermine the general applicability of the State's compulsory attendance statutes....There is no basis for assuming that...reasonable standards cannot be established concerning the content of the continuing vocational education of Amish children under parental guidance, provided always that state regulations are not inconsistent with what we have said in this opinion."

II. RECENT STATE AND FEDERAL COURT DECISIONS

MICH Hanson v. Cushman (490 Fed. Supp. 109)

1980

Michigan law requiring attendance at a public school or at a non-public school that followed a curriculum comparable to that of a public school, that employed certified teachers, and that was approved by the State, was upheld.

COMMENT: Although the parents argued that their curriculum was superior to that of the public schools, the Court said that it would be too difficult for the State to examine and supervise a host of facilities and individuals who might undertake to instruct their children at home without certification.

MICH State v. Nobel (Mich. Dist. Ct., S-791-0114-A)

1980

Michigan compulsory school attendance law, permitting home schools so long as certified teachers were employed, was not violated where a home school teacher had completed all requirements essential to state certification but had refused to obtain the certificate for religious reasons.

OHIO State v. Whisner (351 N.E. 2d 750)
1976

Ohio Board of Education's regulations applicable to private schools were so detailed (including a regulation requiring that a certain percentage of the day be spent on certain subjects) that compliance with each and every standard effectively eradicated the distinction between public and private education. The Court found the regulations unconstitutional.

NEBR State v. Faith Baptist Church (301 N.W. 2d 571)
1981

Nebraska law and regulations requiring that any non-public schools must get state approval of curriculum, of length of school day and year, of health and safety conditions, and of qualifications of teachers, was upheld.

COMMENT: Faith Christian School, which used the Accelerated Christian Education curriculum, and believed that the Bible mandated religious teaching rather than the secular humanism of the public schools, argued that the right to religious freedom should permit them to be excused from the State's compulsory education laws under the holding in Wisconsin v. Yoder. The Court stated (on pages 579-580): "The cases we have cited from the Supreme Court of the U.S. should leave no doubt as to the critical interest which the State has in the quality of education provided its youth. Although parents have a right to send their children to schools other than public institutions, they do not have the right to be completely unfettered by reasonable government regulations as to the quality of the education furnished....The refusal of the defendants to comply with compulsory education laws as applied in this case is an arbitrary and unreasonable attempt to thwart the legitimate, reasonable, and compelling interest of the State in carrying out its educational obligations, under a claim of religious freedom."

NO. State v. Shaver (294 N.W. 2d 883)
DAK.

1980 North Dakota law requiring attendance at a public school or at a state-approved non-public school that hired certified teachers was upheld.

COMMENT: Bible Baptist Church School, which used the Accelerated Christian Education curriculum, and which hired non-certified teachers, argued that the Bible ordered parents to educate their children in Christian schools and that their children did better on standardized tests than did children taught in the public schools. The Court stated (at page 900): "Although North Dakota's minimal requirement for state approval of a private or parochial school may be imperfect, without the regulations the State would have no reasonable assurance that its recognized interest in providing an education for its youth is being protected."

WEST State v. Riddle (285 S.E. 2d 359)
VA.

1981 West Virginia laws and regulations, which permitted home schooling if approved by the County Board of Education, and which required that home schools furnish information to the county boards concerning attendance and performance of pupils, was upheld.

COMMENT: Biblical Christians, whose home-teaching record was excellent, argued that the holding in Wisconsin v. Yoder should excuse them from the state's law and regulations. The Court noted: "We find it inconceivable that in the twentieth century the free exercise clause of the 1st Amendment implies that children can lawfully be sequestered at home on a rural homestead during

all of their formative years to be released upon the world only after their opportunities to acquire basic skills have been foreclosed and their capacity to cope with modern society has been undermined as to prohibit useful, happy, or productive lives.

III. LAWS CONCERNING SCHOOL ATTENDANCE IN STATES CONTIGUOUS TO MONTANA

IDAHO

Parent or guardian shall cause children between the ages of 7 and 16 to be instructed in subjects commonly taught in the public schools. Unless the child is otherwise comparably instructed, as may be determined by the board of trustees of the school district in which the child resides, the child shall attend a public, private, or parochial school during a period in each year equal to that in which the public schools are in session. (Idaho Code, §33-202, 1981).

NORTH DAKOTA

Parent or guardian shall send child between ages of 7 and 16 to a public school. (N. D. Cent. Code, §15-34.1-01, 1981). Exceptions are made for attendance for the same length of time at a parochial or private school approved by county superintendent. (N. D. Cent. Code, §15-34.1-03, 1981).

SOUTH DAKOTA

Children between ages of 7 and 16 must be sent to public or nonpublic elementary school. (S. D. Compiled Laws Ann., §13-27-1, supp. 1981). A child may be excused from school attendance, if provided, for the same length of time, with competent alternative instruction in the basic skills of language arts and math. The parent or guardian shall identify in the application where and by whom the child shall be instructed. No instructor need be certified, but may not instruct more than 22 children. All instruction shall lead to a mastery of the English language. The child so instructed shall annually take the same nationally standardized achievement test of the basic skills as is used in the public school district where the child is instructed. The superintendent of elementary or secondary education or his designee may visit and observe the child's alternative instruction twice in any school year. (S. D. Compiled Laws Ann., §13-27-3, supp. 1981).

WYOMING

Parent or guardian shall send children between the ages of 7 and 16 to a public or private school, unless the child has been legally excluded through suspension or expulsion. (Wyo. Stat., §21-4-102, 1977).

WITNESS STATEMENT

Exhibit #4
February 2, 1983

NAME MERVIN H. FINSTAD BILL No. 253
ADDRESS 1023 Broadway DATE 2-2-83
WHOM DO YOU REPRESENT Montana Association of Elementary School Principals
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My name is Merv Finstad. I am currently serving as President of the Montana Association of Elementary School Principals. I am a graduate of an accredited church - affiliated high school. I just completed a three year term as chairman of the Board of Deacons of First Baptist church in Helena.

I strongly support Senate Bill 253.

As a resident of this State I believe every child is to be guaranteed under the constitution a basic quality education. I believe this is regardless of whether they attend a public or non-public school. Most private schools who want well-prepared students entering the job market or continuing their education at Vo-techs or colleges are anxious to see that their students are well-prepared.

However, some private schools under the guises of religious freedom, do not want to recognize any state authority in pursuing their educational programs. But in our State all citizens have a legitimate interest in the welfare of all of God's children. No one is seeking to deny private schools the right to pursue religious freedom or instruction. I was pleased that I had the opportunity in high school for a daily chapel period and religious instruction but am also thankful that my private school was accredited and prepared me for college.

It is those schools calling themselves "church ministries" or parents who believe that they have been led by a higher power to teach their children where problems will appear. Educators spend at least four years preparing themselves and learning about pedagogical techniques. But there are those private school advocates who believe because they were once a student that this qualifies them to teach children. This is sheer mockery and is no different than me feeling prepared to be a pastor of a church because I read the Bible. Beware that "Whatsoever a man soweth that shall he also reap" and I believe this applies specifically to the education of our states children. There are those private school advocates who are leading their fellow citizens down a rocky road where many times the public school is forced to pick up the pieces when things have gone awry in the private schools and then these children return to our public schools.

I am^{also} fearful that without some state scrutiny; similar tragic experiences may be repeated as was evident with the "River of Life Tabernacle" where a young boy died needlessly in eastern Montana.

The new section in S. B. 253 deals with basic tenents of quality education that should be afforded all Montana children. For example - 180 pupil instruction days, employing administrators and teachers who are certified to teach in any state, providing evidence that the instruction is at least equivalent to the program prescribed by the Board of Public Education, etc.

I believe in the separation of church and state and the right of private schools to pursue their religious beliefs. The state educational authorities only want what academically is best for our states most precious natural resource - our children.

I believe proponents of Christian or non-public schools have forgotten one of the basic teachings of the Bible which is that ~~the~~ Christians are to respect and obey the government. In taking an arrogant, self-rightous position, the supporters of some Christian schools not only reproach the Bible, but in someways insult those who work in public schools and state agencies. I believe the public school system does work and I believe the private school system can work when we work together to insure a quality educational program for all our children.

I urge passage of S.B. 253.

Thank you

Exhibit #5
February 2, 1983

WITNESS STATEMENT

NAME Larry Stollfuss BILL No. S.B. 253
ADDRESS Box 487 Fort Benton, Montana DATE 2/2/83
WHOM DO YOU REPRESENT Montana Association of County School Superintendents
SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Attached -

E#5

Senate Bill 253
Witness Statement
Larry Stollfuss
Chouteau County Superintendent of Schools
Box 487 Fort Benton, Montana

Honorable Committee Members

You have heard from various County Supt. from around the State. I would like to speak on the behalf of the Montana Association of County School Superintendents.

As an elected official of Chouteau County I have taken as a part of that job the responsibility to uphold the laws of the United States and the State of Montana. We are concerned here today with the compulsory enrollment and attendance codes and how they pertain to the non public schools. This is where the problem arises, a gray area in those codes that does not clearly define what constitutes a non public school and the program that it offers.

In a broader sense we are dealing with the rights of children, all children who reside in Montana. Each child has the right to an education and it must be an education that will be atleast equal or above that which they would receive in the public schools. An example that illustrates the point I am making is: Lawyers tell school people that permission slips for various activities are not worth the paper they are written on because a parent cannot sign away the rights of there child. What greater liability could one suffer than that of having a child receive an inadequate education. We are asking for your support of Senate Bill 253 as it will help the County Superintendents do their job in amanner that will benefit all children.

For 95% of the 3rd class districts in the state county superintendents are the attendance officers.

More than 35 home schools are operating in the state at the present time and no one can be sure of the exact umber.

There is no workable way to account for these children.

The attorney general has issued an opinion that says the home cannot be a school. We need to address the issue and not the place of instruction.

We need a firm base to stand on when determining whether a school is providing a sound educational program.

Trained and certified personal are the backbone of a good educational program.*

We do not want Montana to become the dumping ground for every person who wants to start their ^{own} non public school.

Over 40 new schools have opened in Montana is the last 2 years.

The Montana Association of County Superintendents Supports this bill and urges your support of Senate Bill 253 with a do pass recommendation.

Exhibit #6
February 2, 1983

WITNESS STATEMENT

NAME Marian Elwood BILL No. S.B. 253
ADDRESS 1010 Main Street DATE Febr. 2, 1983
WHOM DO YOU REPRESENT County Superintendents
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am Marie Elwood, County Superintendent of Schools, Custer County, Miles City, Montana testifying on behalf of S.B. 253.

In Custer County there are presently 3 private schools -
(1) Sacred Heart Catholic Parochial (2) Baptist Tabernacle Academy and (3) Sunrise Academy, a single family unit that proclaims a private school housed in a trailer across the yard from their dwelling. *(+ statements concerning Sunrise Academy)*

Certification of teachers
I am a proponent of the bill but I feel ^{the} ~~Section 20-5-102~~ ^{regarding} ~~(2)(a)(IV)~~ needs to be strengthened. This section as it presently reads is ambiguous. How does one determine what is "acceptable experience according to clearly defined criteria consistent with the educational goals of the school."?

This section should instead require that persons serving as administrators or teachers meet Montana Certification Standards according to the provisions of MCA 20-4-101.

We have an obligation to provide the best possible education for all children of Montana. No one can go out, hang up a sign and proclaim himself a lawyer. No one can go out, hang up a sign and proclaim himself a doctor.

There is a bill before the legislature asking that those who call themselves dietitians meet state standards.

SURELY THOSE WHO NURTURE CHILDREN'S MINDS OUGHT ALSO TO MEET STATE STANDARDS!

There is open communication between my office and the Sacred Heart Catholic School + the Baptist Tabernacle. I have never been invited to visit the Sunrise Academy. I have walked by the dwelling and trailer. Chained dogs are in the yard and a sign is posted - "Beware of Dogs." Our district supt. and an elementary principal attempted to visit but did not go past the dogs.

WITNESS STATEMENT

NAME Jean Grew BILL No. Senate 253
ADDRESS Dawson County - Glendive DATE Feb 2 - 1983
WHOM DO YOU REPRESENT County Supt of Schools
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I identified and a rumored third
There are ~~3~~ private schools in Dawson County.

1. Sacred Heart Catholic Parochial School
2. Valley View Seven Day Adventist Church School
3. Glendive Christian which opened during the
past 18 months and is supposed to be housed in
a family home. There may be others I am not
even aware of.

I support the provisions of this bill but I believe
it needs to be strengthened or clarified in some areas
of the Co Supt must review, investigate, and accept
or deny or reject statements made by private schools
then I believe there should be some specific uniform
guide lines for us to follow.

We need to be able to visit the schools. We
need that standards be used in deciding to
accept or reject a ~~school~~ private school educational plan.
As for as S.B. 253 is concerned I believe
these areas need to be more clearly defined.

as an administrator agree to...

It is ~~our~~ responsibility to provide
an education to all students to help them
develop into responsible Citizens of tomorrow
and to acquire the skills which will enable
them to earn a living in a highly competitive
job market of the future.

WITNESS STATEMENT

NAME Charlene Bailey BILL No. 253
ADDRESS 418 Mineral Ave / Libby DATE Feb. 2, '83
WHOM DO YOU REPRESENT County Superintendents
SUPPORT ☒ with slight modification OPPOSE ☐ AMEND ☐
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

These are the main concerns I voiced in my prepared statement:

- 1- very careful procedure in curriculum analysis - beyond reading, writing and computing we have little or no right!
- 2- no need for written contract provision
- 3- MUST REQUIRE: ① OFFICIALLY ENROLLED AND ② OFFICIALLY SUPERVISED ON A ③ CONTINUOUS BASIS BY AN ESTABLISHED CORRESPONDENCE SCHOOL!!!!
- 4- if teachers are acceptable to the school, and children make progress we should require no further certification of teachers

Exhibit #8

Feb. 2, 1983

FAMILY REASON

LINCOLN COUNTY COURT - HOME SCHOOLS

1981 - 1983

Barby

"COURSE"/SCHOOL

HISTORY

PRESENT STATUS

CHILD'S LEVEL

1.	S _____ (2)	religious	Alpha Omega (Idaho Inc.)	practically unsupervised by Idaho- - unable to afford new lessons	children enrolled in private school- will return in the spring	1 - 2 year below grade level
2.	W _____ (2)	school ruining her "gifted" children	mother developed hodgepodge program	family problems - very, very little done at home	one child in public school here - one in Missoula	close to grade level
3.	K _____ (1)	religious	Adventist school affiliation	3 mos of no instruction because couldn't afford new lessons	enrolled & monitored by Adventist school in Libby	above grade level
4.	L _____ (1)	religious	Beka Correspondence (enrolled)	grading and coaching from home office	child still enrolled	grade level
5.	S _____ (1)	parent-teacher problem & religious	Pace units (Idaho Inc.)	much moving by family- money factor in having all the lessons	left the county	grade level
6.	H _____ (7)	religious	mother developed hodgepodge program	mother could barely read	left the county	several yr below grade level (15 old struggle over 3rd (test))
7.	J _____ (3)	religious	Beka (not enrolled)	mother made excellent progress	left the county	grade level or above
8.	* R _____ (2)	cultural (Indian)	NA	transferred within county after teacher dispute	enrolled public school	one at grade level, one below
9.	* M _____ (2)	teacher didn't understand her children	NA	enrolled children in public school/problems with discipline	left the county	grade level

* Parents contacted Superintendent concerning options -
did not begin instruction in their home

FAMILY	REASON	"COURSE/SCHOOL	HIST	PRESENT STATUS	LEVEL
S (2)	religious	Our Lady of Victory	bought Correspondence did not maintain contact w/school, no records, no money for new curriculum	?	
F (1)	school atmosphere too stifling	Beka (not enrolled)	course bought - not used	no education	below grade level
M (1)	religious	Beka	child still Kindergarten age		?
D (2)	religious & parent/teacher	Pace (Idaho Inc.)	just begun		?
L (2)	parent/teacher	Calvert	going well		grade level
J (1)	religious & distance	Adventist		?	?
6. * T	parent/teacher	NA	complaints and meetings w/teachers & supervisors	enrolled in Public School	grade level
7. * B (2)					
8. * L (2)					
9. * S (2)					
0. * F (3)					
1. * Z (5)	Teacher dispute		threatening at this time		
2. * B (1)	Far behind academically		" " "		

All have investigated because of
money and transportation problems

*Parents have contacted Superintendent concerning options -
did not begin instruction in their home

Exhibit #9

Feb. 2, 1983

NAME: Karle Reimer

DATE: 2/2/83

ADDRESS: 2526 Sunset Ln.

PHONE: 544-0482

REPRESENTING WHOM? Assoc. of Non-Public Schools of Montana

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 9
Feb. 2, 1983

February 2, 1983

Mr. Chairman and Members of the Senate Education Committee

It is the opinion of the Association of Non-Public Schools of Montana that Senate Bill 253 is a very fair treatment of the relationship between Private education in Montana and the responsibility of the State under the Constitution to assure that each child receive at least a minimum education.

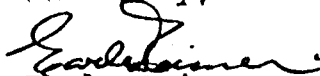
We know the State does not wish to meddle in, interfere with or even regulate non-public education. We also know that the State must take its Constitutional responsibilities seriously. This requires a very fine balance. Each party must exercise utmost respect for the other's concerns. Both the State and the private sector must work in close co-operation with each other. Private schools have the responsibility to assure the State of their intent and commitment to learning. The State must assure Private schools of its commitment to protect their right of freedom from State control. What a superb challenge! What enormous potential for tension, fear and suspicion! Where can that balance be found?

ANSM believes sincerely that S B 253 clearly articulates that balance. With the exception of Section 4, item 3, we support this bill without reservation. There is some thought that that particular item is regulatory in nature and steps beyond the Constitutional responsibility the State has.

In addition ANSM has looked at articulated relationships other States have with their Private schools. We believe S B 253 compares favorably with all those and in fact provides a model for most other States to follow. This sensitive matter calls for mature educational leadership. We commend the State Board of Public Education for providing such leadership in the design of this bill.

Let the record show that the Association of Non-Public School of Montana, representing in excess of 6,000 Montana children, warmly welcomes and supports the co-operation and intent of S B 253.

Sincerely,


Earle Reimer

Representing the Association of Non-Public School of Montana.

WITNESS STATEMENT

Exhibit #10
Feb. 2, 1983

NAME John Frankino BILL No. SB 253
ADDRESS Box 1708, Helena, MT DATE 2/2/83
WHOM DO YOU REPRESENT Mt. Catholic Conf.
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Statement is attached

S. B. 253

John Frankino

Montana Catholic Conference

We recognize, and I'm sure you also recognize, the key role private education has played in the history of our nation and in the State of Montana.

Private schools still play a key role in our educational system.

It will be a sad day if a choice is not available. The free enterprise alternative should be preserved.

We do not feel this bill endangers the existence of the private school system we represent.

Sister Mary Editha Brown, Chairman of our State Education Committee, and Superintendent of Catholic Schools in the Diocese of Great Falls/Billings is unable to be here today and asked me to relay her statement to you.

(statement attached)

it # 10 Feb. 2, 1983

SB 177

or Mary Editha Brown

of Catholic Schools

of Great Falls/Billings

My name is Sister Mary Editha Brown. I am Superintendent of Catholic Schools in the Diocese of Great Falls/Billings. At present there are a total of 23 Catholic schools in eastern Montana with a total enrollment of approximately 3500 students. Three high schools, grades through 12, and two junior high schools, grades 7 through 9, are now accredited by the State Office of Public Instruction.

It is important that the status of elementary schools be settled. In the past few years the Attorney General's statement that the state is responsible to see that all parents comply with the Compulsory Education Law, has caused anxiety and confusion on the elementary school level, and has demanded an exorbitant allocation of my time in attendance at and participation in meetings dealing with clarification of this matter. It is vital to the cause of private school education that this matter be finalized, so that we can get on with the real responsibility of private education.

Therefore, after having personally attended the State Board of Education Meeting and after having participated in discussion as this bill was enunciated, I submit that for the Catholic Schools, the largest single private school system, this bill is acceptable.

I presume that the process for complying with this law will be discussed with private school representatives prior to implementation.

EXHIBIT #11
Feb. 2, 1983

NAME: Al Cunderson DATE: 2-2-83

ADDRESS: 2101 Lyman -- Belknap

PHONE: _____

REPRESENTING WHOM? Bd of Ed -

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: Written testimony prepared

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 111
Feb. 7, 1983

TESTIMONY OF AL GUNDERSON, CHAIRMAN
OF THE BOARD OF PUBLIC EDUCATION, AT
THE SENATE EDUCATION AND CULTURAL
RESOURCES COMMITTEE MEETING AT 1:00
o'clock P.M. ON FEBRUARY 2, 1983

The Board of Public Education consists of seven members who are appointed by the Governor to seven year terms. By law, no more than four can be from the same Congressional District or the same political party. Although we have two members on the Board, out of seven, who are involved professionally in education, we are a lay board. Senate Bill 253 originated with our Board. It was not promoted by any special interest group that might benefit by making it more difficult for the private schools to operate. If I represent any constituency as I stand here today, I feel that constituency consists of all of the children of this State who are of school age.

Why is the Board proposing Legislation on this subject? Well, very frankly, the Constitution and statutes place a rather heavy responsibility on the Board with regard to secondary education, both in the public and non-public schools. Section One of Article Ten of our Constitution provides that, "Equality of educational opportunity is guaranteed to each person of the State." Please note that this provision does not limit itself to children in the public school system. It very clearly refers to every person, (or child) in this State.

The statutes then provide that every child shall attend public schools unless they come within one of the exceptions provided in Section 20-5-102 M.C.A. One of the exceptions is that a child does not have to attend public school if he or she is enrolled in a private school that provides a basic instructional program as prescribed by the Board of Public Education. It seems clear that our Board is

responsible for seeing to it that every child, not just public school children, as some would have you believe, but that every child of school age within this State is provided with a basic instructional program. The Board is not complaining about the responsibilities placed on it by the Constitution and the statutes. Most constitutional lawyers agree that the State has a right to require that a child receives a basic instructional program in a safe and healthful environment. The State certainly has an interest that a child learn the language of his country (reading, writing, spelling), its history, geography and form of government, and how to compute. Our society would be in sad shape if people lacked this basic knowledge.

Unfortunately, under the present law the Board has really no way to determine that children in non-public schools are being provided with a basic educational program. The Board has been very concerned about this problem for at least three or four years. New private schools are starting up all over the State. The Reverend Jerry Falwell has stated that there are three new private schools started each day in this country and I can assure you that Montana has its share. No doubt the majority of them are providing an adequate basic instructional program, but the Board has no way to determine compliance.

Our present law does not allow home schools, but it has been fairly easy to get around this prohibition. For instance, in December of 1980, a gentleman in Miles City wrote a letter to the Superintendent of Public Instruction stating he was starting a private school where his own three children would be the only students. He gave the school a name, had some letterhead printed and he was in business. I would like all of you to have a copy of that letter. As indicated by a letter the Board received from the Custer County Attorney, the local authorities did not know how to handle the situation. The questions

asked by this County Attorney in this letter illustrate the confusion that exists.

The Board became aware of many other problems and you have heard about them from other witnesses who have testified today. I would, however, like to tell you about a Billings family that I became aware of through a client of mine who is the grandmother of the children involved. This family has five children, the oldest is now 9 or 10 years of age and there is another of school age a year younger. The parents do not believe in immunization and have strong religious convictions that led them to believe that their children should not go to public school. Unfortunately, they couldn't afford to send them to a private school, so they didn't send them to any school. Finally, this year the grandmother decided that she couldn't stand it any longer and she paid the tuition to send the two school age children to a private school. They now attend a private school in Billings for three or three and one-half hours a day, five days a week. The grandmother has told me that this private school has one teacher for 23 students. She didn't know how many grades that teacher taught. Are these children receiving a basic instructional program? Maybe, but the Board really doesn't know and under present law it is very difficult to find out.

About two years ago the Board did try to remedy the problem by adopting policy giving the County Superintendents and truancy officers certain inspection duties. It has not worked out too well. Many County Attorneys have told us that it is unenforceable under present law. The County Superintendents do not know how far they can go in enforcing our policy. The Board needs help from this Legislature.

I would like to point out that this Bill is a result of a long period of study by the Board. We have met many times with the private school people, representatives of OSPI and the Attorney General's office, and have examined the laws of other states. The Bill before you is a compromise. It would have been much easier to merely require that all schools, public or private, must be accredited and must use certified teachers. But this would have been unacceptable to many private schools.

About ten days ago I was invited to meet with a group of private and home school people in Billings. Some questions came up at that meeting that I would like to address at this time. Some home school people are concerned that the requirement in the proposed law regarding fire and health regulations could impose a serious burden on them. In my opinion, the only health and safety regulation that should apply to a school conducted in a family home would be those that apply to any family home. I would not expect that a family home must comply with fire and safety regulations applicable to public buildings just because it happens to be used for a home school. There has also been some criticism regarding 180 days of instruction. Evidently there are private schools now operating on a four day week, but it appears they probably have as many instructional hours as public schools. I would think that some alternative could be written into this law to allow these schools to operate on a four day week if they provide the same amount of instructional time as a public school.

I was also asked a question at this meeting regarding who would determine the qualifications of the teacher who does not hold a Bachelor's Degree or is not certified. I'm afraid that I gave the wrong

answer when I said that this would be determined by the Board of Public Education in policy adopted after the passage of the Bill. In more closely examining the section dealing with this, and discussing it with the Attorney General's office, I can now see that it would be up to the County Superintendents to determine whether or not the teacher is qualified. I believe it must be this way because the situations will vary so much. Whether or not the parent is qualified to teach would depend on the age of the child, the subject matter being taught and the education and experience of the parent. However, the parent would always have the right of appeal to the Board of Education if the County Superintendent deemed him or her unqualified.

You should be particularly aware that this Bill in its present form will allow a home school if it meets the specified requirements. This will be new to Montana and you will find that not too many states allow home schools at the present time.

This is not an easy problem to solve, but just because it is difficult, controversial, and for some emotional, doesn't mean we should just turn our head and ignore it. In my opinion, this Bill presents a workable solution. I also believe that the only private or home school that should fear the requirements of this Bill are those that are not providing a basic instructional program for their students.

u. prun 7111
Feb. 7, 1983


Office of
EDITH HARPER
County Superintendent of Schools
P. O. BOX 220
Big Timber, Montana 59011
January 19, 1983

Allen Gunderson, Chairman
State Board of Education
33 S. Last Chance Gulch
Helena, Montana 59620

Dear Mr. Gunderson:

I support any legislation that will give school administrators
direction in dealing with private schools, correspondence and
home study plans.

Sincerely,

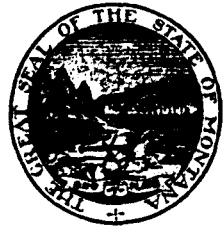


Edith Harper
County Superintendent of Schools



RECEIVED
JAN 20 1983

naa 30000
Exhibit #12
Feb. 2, 1983



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

Montana's constitution guarantees equality of educational opportunity for each person in the state.

The compulsory attendance statutes have been enacted to insure that equality of educational opportunity is in fact guaranteed.

Present statutes do not clearly delineate authority for enforcing the compulsory attendance statutes.

Attorney General opinions have clarified lines of authority but major difficulties continue to hinder enforcement of compulsory attendance statutes.

Legislation has been introduced from a variety of sources for the purpose of allowing the consistent and appropriate application of the compulsory attendance statutes.

The Office of Public Instruction will examine and comment on each proposed change relative to potential difficulties.

Attorney General's Opinion
Number 25
Volume No. 38
August 7, 1980

In Board of Education of Central School District No. 1 v. Allen, 392 U.S. 236, 245 (1968), the United States Supreme Court noted:

...a substantial body of case law has confirmed the power of the states to insist that attendance at private schools, if it is to satisfy state compulsory-attendance laws, be at institutions which provide minimum hours of instruction, employ teachers of specified training, and cover prescribed subjects of instruction. Indeed, the state's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory education statutes. These cases were a sensible corollary of Pierce v. Society of Sisters: if the State must satisfy its interest in secular education through the instrument of private schools, it has a proper interest in the manner in which those schools perform their secular educational function.

1 cannot be instructed under the special education provisions
2 of this title;

3 (e) excused from compulsory school attendance upon a
4 determination by a district judge that such attendance is
5 not in the best interest of the child; or

6 (f) excused by the board of trustees upon a
7 determination that such attendance by a child who has
8 attained the age of 16 is not in the best interest of the
9 child and the school.

10 (3) The excuse provided for in subsection (2)(d) of
11 this section shall be issued by the district superintendent
12 or the county superintendent when there is no district
13 superintendent employed by the district. Whenever an excuse
14 is denied by the applicable official, an appeal of such
15 decision may be made to the district court of the county
16 within 10 days after the decision upon giving a bond in the
17 amount set by the court to pay all costs of the appeal. The
18 decision of the district court shall be final."

19 NEW SECTION. Section 4. Nonpublic school requirements
20 for compulsory enrollment exemption. To qualify its students
21 for exemption from compulsory enrollment under 20-5-102, a
22 nonpublic school shall:

23 (1) provide instruction at least equivalent to the
24 program prescribed by the board of public education pursuant
25 to 20-7-111;

1 (2) be housed in a building that complies with local
2 health and safety regulations;

3 (3) provide at least 180 days of pupil instruction in
4 accordance with 20-1-301 and 20-1-302;

5 (4) employ as administrators, under written contracts,
6 only persons who:

7 (a) are certified to teach in any state;

8 (b) are enrolled in an education program leading to
9 teacher certification or

10 (c) provide evidence of acceptable experience
11 according to clearly identified criteria consistent with the
12 educational goals of the school;

13 (5) employ as teachers, under written contracts, only
14 those persons who:

15 (a) are certified to teach in any state;

16 (b) teach at least half-time in a subject area in
17 which the person holds a bachelor of science or a bachelor
18 of arts degree; or

19 (c) provide evidence of acceptable experience
20 according to clearly identified criteria consistent with the
21 educational goals of the school;

22 (5) maintain for each student a record that includes:

23 (a) a record of attendance;

24 (b) a list of courses completed; and

25 (c) measurement of achievement in each area included

1 in the program of instruction prescribed by the board of
2 public education pursuant to 20-7-111.

3 NEW SECTION. Section 5. Rejection of nonpublic school
4 statement of compliance with compulsory enrollment
5 exemption. Whenever a nonpublic school statement of
6 compliance with the provisions of [section 4], filed
7 pursuant to 20-5-102, is rejected for filing by the county
8 superintendent under 20-3-205, the county superintendent
9 shall notify the person submitting the statement of the
10 reasons for its rejection. An appeal of the rejection may
11 be made to the board of public education within 10 days
12 after the decision is rendered by the county superintendent.
13 The decision of the board of education is final.

14 NEW SECTION. Section 6. Codification instruction.
15 Sections 4 and 5 are intended to be codified as an integral
16 part of Title 20, chapter 5, part 1, and the provisions of
17 Title 20 apply to sections 4 and 5.

-End-

400. SCHOOL

Minimum

402. Basic Instructional Program: High School, Junior High, Middle School and Grades 7 and 8 Budgeted at High School Rates.

- (1) Each district shall have in writing and on file a process of program evaluation. Self-review of each program shall occur at least once every ten years, using the Northwest Association evaluation program or evaluative materials of the district's choice.
- (2) A high school shall require a minimum of 16 units for graduation including ninth grade units; however, at its discretion, a board of trustees may require additional units of credit for graduation. A unit of credit shall be given for satisfactory completion of a full-unit course. At the discretion of the local administrator, fractional credit may be given for partial completion of a course.
- (3) A unit of credit is defined as the equivalent of at least 225 minutes per week for subjects without laboratory work and 250 minutes per week for subjects that require laboratory work.
- (4) The following is a list of alternative procedures for earning credit. They are acceptable equivalents to the basic definition of a unit of credit. Such units of credit taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student's official transcript, must be accepted in any Montana high school.
 - (a) Satisfactory completion of the content of a course in a period of time either shorter or longer than that normally required. Criteria for successful completion shall be developed as a guide for teachers, students and parents in assuring quantity and quality of performance, regardless of time involved.
 - (b) In accordance with the policies of the local board of trustees, credit earned in summer classes may be applied toward graduation requirements if the summer classes are taught by properly certified teachers. This credit shall be prorated in accordance with the policies of the local board of trustees.

[illegible]

400. SCHOOL

Minimum

Yes No Remarks

(c) Satisfactory completion of special courses in such programs as Job Corps, Upward Bound and Armed Forces schools. Credit given for satisfactory completion of such courses shall be in accordance with policies of the local board of trustees.

(d) Satisfactory completion of unconventional programs such as work study, cooperative work experience, college level courses taken in high schools and others. Work study and work experience programs shall be coordinated with the supervision of a certified teacher.

(e) In accordance with the policies of the local board of trustees, a regularly enrolled student may apply toward graduation credits earned through the National University Extension Association or earned through one of the schools approved by the National Home Study Council.

(f) In accordance with the policies of the local board of trustees, credit earned in adult education classes may be applied toward graduation requirements, provided the classes have been established in accordance with state law and provided the classes are taught by properly certified teachers employed by the school district.

(5) Course requirements for graduation are:

- (a) Language arts: 4 units.
- (b) American history: 1 unit.
- (c) American government: $\frac{1}{2}$ unit. A 2-unit course in American history and American democracy, which includes a study of government, may be used to meet the American history and government requirements.
- (d) Mathematics: 2 units.
- (e) Laboratory science: 1 unit.
- (f) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two

400. SCHOOL

	Yes	No	Remarks
<i>Minimum</i>			
(g) The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests also shall be considered with respect to age, maturity, interests and aspirations of the students and shall be in consultation with parents or guardians.			
(6) Units of credit earned in any Montana high school accredited by the board of public education shall be accepted in all Montana high schools.			
(7) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment.			
(8) The basic instructional program for each high school shall be at least 16 units of course work which shall include at least those given below:			
(a) Language arts: 4 units. The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.			
(b) Social sciences: 2 units.			
(c) Mathematics: 2 units.			
(d) Science: 2 units.			
(e) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two years. Participation in interscholastic athletics cannot be utilized to meet this requirement.			

400. SCHOOL

	Yes	No	Remarks
<i>Minimum</i>			
(f) Fine arts: 1 unit. Fine arts include music, art, drama.			
(g) Practical arts: 2 units. Practical arts include home economics education, industrial arts, business education and agriculture.			
(h) Two electives.			
(9) Basic instructional program for junior high school, middle school, and grades 7 and 8 budgeted at high school rates must offer:			
(a) Language arts: 3 units in junior high and 2 units for middle school and 7th and 8th grades.			
(b) Social sciences: 3 units in junior high and 2 units in middle school and 7th and 8th grades.			
(c) Mathematics: mathematics offerings are to include both algebra and general math in grade 9, 3 units in junior high and 2 units in middle school and 7th and 8th grades.			
(d) Science: 3 units in junior high and 2 units in middle school and 7th and 8th grades.			
(e) Health and physical education: ½ unit each year in junior high and ½ unit each year in middle school and 7th and 8th grades.			
(f) Art: ½ unit each year in junior high and ½ unit each year in middle school and 7th and 8th grades.			
(g) Music: ½ unit each year in junior high and ½ unit each year in middle school and 7th and 8th grades.			
(h) Practical arts (includes home economics, industrial arts, business education and agriculture) ½ unit each year in junior high and ½ unit each year in middle school and 7th and 8th grades.			
(10) A unit is defined as the equivalent of at least 225 minutes per week in non-laboratory courses and 250 minutes per week in courses that require laboratory work. Units in grade 9 shall be equivalent to units of credit for high school graduation requirements.			

400. SCHOOL.

Minimum

403. Basic Instructional Program: Elementary

- (1) An elementary school shall have a minimum educational program that includes the subject areas listed below:

- (a) Language arts including reading, literature, writing, speaking, listening, spelling, penmanship and English.

- (b) Arithmetic, written computation and problem solving.

- (c) Science, ecology and conservation.

- (d) Social sciences, including geography, history of the United States, history of Montana, agriculture and economics. Contemporary and historical traditions and values of American Indian culture may also be included.

- (e) Fine arts, including music and art.

- (f) Physical education.

- (g) Safety, including fire prevention as outlined in state statutes.

- (h) Health education.

- (ii) Weekly time allotments for each subject area are flexible; however, in grades 1, 2 and 3, the standard school day must consist of at least four hours. In grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, and time allotments should be scheduled to give balance to the educational program. One recess period per day may be counted toward the standard school day if a planned activity is provided during the recess. Passage time between classes may be counted toward the standard school day.

- (2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by school district personnel at intervals not exceeding five years.

EXHIBIT 111
Feb. 2, 1983



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 253 BEFORE THE SENATE COMMITTEE ON
EDUCATION AND CULTURAL RESOURCES, FEBRUARY 2, 1983

I am Jim Murry, executive secretary of the Montana State AFL-CIO. I am here today to testify in support of Senate Bill 253. We believe that every child has the right to a sound basic educational program, and this bill helps ensure that each Montana child will have that opportunity.

Education has always been a special concern of organized labor. When Samuel Gompers, the first president of the American Federation of Labor was asked, "What does labor want?", he responded by saying, "We want more school houses and less jails, more books and less arsenals, more learning and less vice, more constant work and less crime, more leisure and less greed, more justice and less revenge." That was in 1893, but organized labor's concern for education began long before that.

In the early days of our nation's history, only those who could afford it could obtain an education. There was no such thing as free public education, and indeed there was a notion that workers' kids should not be educated. In 1823, shoemakers in Philadelphia staged demonstrations demanding free public education and paved the way for the public school system as we know it today.

We also believe that one who wishes to send their children to a private school or is capable of teaching them at home should have that right. But we also believe that there are certain standards which must be met to protect the right of those children to a fundamental and basic education. The standards set forth in this bill ensure that these children will not attempt to pursue a higher education and find they are unable to do so, or go into the job market and discover they do not have even minimum skills to hold down a job.

Our world and our job markets are changing rapidly. New technological advances make it even more imperative that our children are well-educated.

We ask your support of Senate Bill 253.

Exhibit #14
Feb. 2, 1983

WITNESS STATEMENT

NAME Hidde Van Duym BILL No. SB 253
ADDRESS 33 South Last Chance Gulch, Helena, Montana DATE February 2, 1983
WHOM DO YOU REPRESENT State Board of Public Education
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill is not about private schools. This bill is about education for all children. The law as it exists now makes a claim about education for all children. The law as it exists now makes a claim for the state's interest in guaranteeing a basic education for all children whether they are in public or non-public schools. It says that children are excused from attending public schools if they attend a non public school which provides the basic instructional program as defined by the Board of Public Education.

As far as education for all children is concerned, the private schools have some essential privileges which public schools do not have. Private schools do not have to accept all children, they do not have to educate all children for all possible futures, and they do not have to keep all children if they don't fit the mold of the school. The public schools have to do all of these: they do have to accept all children, they have to educate them for all possible futures (instant employment, vocational careers and college) and they have to deal with the children no matter how many problems they may present individually.

There are just reasons why private schools need not answer to the same expectations as the public schools, but they should be expected to guarantee the ingredients of a basic education.

This bill is about that guarantee and I urge you to support it.

copy 115
Feb. 2, 1983

WITNESS STATEMENT

NAME David D. Hartman BILL No. SB 253
ADDRESS 1804 Gold Rush, Helena, MT DATE February 2, 1983
WHOM DO YOU REPRESENT Montana Education Association
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

copy
Feb. 7, 1983

"People



Who Care"

February 2, 1983

Montana Education Association

1232 East Sixth Avenue, Helena, Montana 59601

Telephone 406-442-4250

Senate Bill #253

Testimony in Support by: Montana Education Association

Mr. Chairman, members of the Committee, my name is David Hartman.

I am Executive Secretary of the Montana Education Association.

MEA supports Senate Bill 253. The State of Montana has long acknowledged both the right and the obligation to establish reasonable requirements upon those who accept the responsibility for educating the youth of this state. The proposed amendments to Chapter 20 contained in Senate Bill 253 serve that purpose in a most reasonable fashion.

I expect that you will hear from opponents of the bill that a religious issue is at stake. The issue is not religion, it is education.

Senate Bill 253 is designed to insure that those who advertise as operating a school are, in fact, doing just that in compliance with standard requirements which have insured the education of generations of youth in Montana. It is, in fact, a "truth in educational advertising" bill. It requires those who claim to be operating a school to do so in accordance with standard requirements related to facilities, annual days of operation, certification of personnel, and basic educational program.

This bill serves to protect the constitutions of Montana and the U.S. as it respects the right of a basic education for our youth. It does not in any way make attendance at a public school mandatory, and it in no way interferes with the free exercise of religion and the ministry of any church.

Senate Bill 253 provides for reasonable regulation of non-public schools in Montana. It deserves your energetic support.

Thank you.

Exhibit 16
Feb. 7, 1983

WITNESS STATEMENT

NAME Dolores Hughes BILL No. S.B. 253
ADDRESS Phillips Co. Supt of Schools DATE 2/2/83
WHOM DO YOU REPRESENT Self
SUPPORT yes OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Attached

TO WHOM IT MAY CONCERN:

As the Phillips County Superintendent of Schools who has had two non-public schools start since August, 1980, because parents did not agree with the public school policies, I feel that this S. B. - 253 would help clarify some of the questions as to what laws non-public schools are supposed to abide by; also what rights the county superintendent has as attendance officer.

When non-public schools first became an issue in Phillips County, I did not have any guide lines to follow, other than being the attendance officer. It was through the Phillips County Attorney and the Board of Public Education that some guide lines were set up for me. Therefore, I feel it is long overdue that a bill be passed that clearly states what should be done by the persons involved.

Under NEWSECTION (4), (a), that states 'employs as administrators only persons under contract who (a) are certified to teach in any state', I would like to see that section changed to read 'are certified to teach in Montana'. After all we are speaking of non-public schools in Montana.

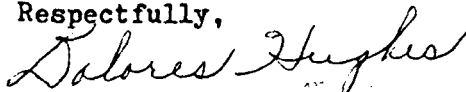
When I think of compulsory attendance, I am thinking of the rights of a child for an education and it is up to the parent or guardian to see that his child is in school to receive the education provided for him. This bill seems to give the county superintendent something firm to hold on to by making the parent responsible for his child's attendance by reporting to the county superintendent.

I am not in favor of a 'home study program'. I feel that this may be construed to mean that school can be held in the home. This should not be allowed.

It should be allowed only if a child is a long way from school. I am in favor of keeping the correspondence course as part of the types of transportation as set forth in 20-10-121.

I have had very good success with the nonpublic schools in Phillips County. With definite guidelines, I hope to have even more.

Respectfully,

A handwritten signature in cursive script that reads "Dolores Hughes".

Dolores Hughes
County Superintendent of Phillips County

Exhibit 11
Feb. 21, 1983

WITNESS STATEMENT

NAME DeLoy Denning BILL No. SB 253
ADDRESS 301 W. Alder DATE 2-2-83
WHOM DO YOU REPRESENT Ms/la Co Supt of Schools
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Specific Cases of educational child abuse have been presented before you. There are people in Missoula County who under the guise of "private Schools" are receiving little or no Education. We have no problem with most established Christian schools. Where individuals hide behind the vagueness of the law is the basic issue.

CS-34
Feb. 7, 1983

NAME CHIP ERDMANN

BILL NO. SB 253

ADDRESS Helena

DATE 2/2/83

WHOM DO YOU REPRESENT MT School Board Assoc.

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

THE CONSTITUTION OF MONTANA
MANDATES THAT THE Bd of Pub. Ed
INSURE THAT ALL CHILDREN IN THE
STATE OF MONTANA RECIEVE A BASIC
EDUCATION.

WHAT THIS BILL DOES IS
PROVIDE A REASONABLE SYSTEM
FOR THE BOARD TO CARRY OUT
THIS MANDATE. THE CURRENT
SYSTEM, UNDER THE AG's DIRECTION
WOULD NOT ALLOW "HOME SCHOOLS"
IN ANY FORM.

THIS IS A REASONABLE BALANCE
BETWEEN THE INTERESTS INVOLVED -
THE CONSTITUTIONAL MANDATE ON ONE
HAND AND THE PARENTAL INTERESTS
ON THE OTHER.

exposed " 19
Feb. 7, 1983

WITNESS STATEMENT

NAME Terry Lynn Minow BILL No. SB 253
ADDRESS Box 513, Boulder, MT DATE 2-2-83
WHOM DO YOU REPRESENT Mont. Federation of Teachers
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Exhibit #19
A. R. 1983

MONTANA FEDERATION OF TEACHERS

AMERICAN FEDERATION OF TEACHERS

AFL-CIO

P.O. Box 1246

Helena, Montana 59624

(406) 442-2123



TESTIMONY OF TERRY MINOW, MONTANA FEDERATION OF TEACHERS, AFT, AFL-CIO, PRESENTED TO THE EDUCATION AND CULTURAL RESOURCES COMMITTEE OF THE MONTANA SENATE IN SUPPORT OF SENATE BILL 253 ON TUESDAY, FEBRUARY 2, 1983.

Mr. Chairman and Members of the Committee:

My name is Terry Minow and I represent the Montana Federation of Teachers, AFT, AFL-CIO. I am appearing in support of Senate Bill 253.

Montana's present laws do not meet the educational needs of the children of the state. Montana's constitution guarantees our children the right to equal educational opportunity when it states, "It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

With every right there is a corresponding duty. For example, every person has the right to a fair trial. It is the state's responsibility to ensure that that right is provided for through laws that regulate how a jury is selected, how a judge is elected, what evidence may be introduced, etc. The state must also meet its responsibility to our children by providing adequate regulations for private schools and a way to enforce them.

As a representative of teachers, I believe this bill helps provide equality of educational opportunity by setting standards for the qualifications of teachers in private schools. To argue that an individual need not meet any qualifications makes meaningless the years of training and experience we, as teachers, have undergone to become qualified.

When you hire a plumber you know that that person has completed training and education which qualifies him or her to work on your pipes. When you enroll your child in a private school, you need to know that the teacher is qualified to teach your children. In the case of a plumber, if you have the knowledge to fix the pipes yourself you can do so. If you wish to educate your own child, you must prove to the state that you are qualified to do so. If you fail in your plumbing efforts and the pipes burst it may be a tragedy to you as a homeowner, but it only affects your property, which is repairable. However, a child is not a piece of property that can be repaired. With a substandard education a child is not prepared to meet his or her responsibilities to society.

The issue of free enterprise, the parent's right to choose from a variety of educational options, may be a concern to some. This bill will not limit the option to choose between public and private schools. Instead, it will ensure that when parents consider those options, they will know that both the public and private schools will provide equal educational opportunities for their child. We can not leave the education of our children to the marketplace principle of "let the buyer beware". Too much is at stake for the child and for the society in which he or she lives.

I am on behalf of the Montana Federation of Teachers, AFT, AFL-CIO, I support Bill 253 and ask that you give a "do pass"

Feb. 2, 1983 (

NAME:

Pat Canbeck Harper

DATE: 2-2-83

ADDRESS:

301 S. Oakes, Helena

PHONE:

442-6927

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

SB 253

DO YOU:

SUPPORT?

yes

AMEND?

OPPOSE?

COMMENTS:

Testimony attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Testimony before the Senate Education
and Cultural Resources Committee, February 2, 1983

Mr. Chairman and members of the committee: My name is

Pat Callbeck Harper and I would like to speak in favor of SB 253.
I am a mother of 2 children and a graduate of a private, religious school.
I am a Director of the National Board of Global Ministries of
the United Methodist Church and an active member of a local church.
One of my primary concerns is the ministry of the Church.

But today I address the issue of separation of church and
state and the concern that this bill will interfere with the free
exercise of religion and the ministry of the church in non-public
schools. I offer three points for your consideration.

1. The Church in our society enjoys certain rights, but
it also must exist within certain Constitutional and statutory
bounds. Freedom to hold religious beliefs and opinions is
guaranteed under the First Amendment. This freedom is absolute.
But the freedom of conduct is not absolute. For the sake of the
public safety and welfare religious groups may not practice
bigamy, human sacrifice, child labor or snake handling, even
though they may be part of the religious doctrine. We may not
hold meetings in unsafe buildings, and we do not see the enforce-
ment of fire codes in our churches as an interference in the
free exercise of our religious belief.

2. It is the state's legitimate responsibility by
Constitutional and statutorial law to maintain and preserve the
general public welfare. The state cannot feed, house and clothe
our children, but it is the duty of the state to monitor that
parents do these things. Parents cannot beat or starve or

abandon their children without the state becoming involved for the benefit of the children. In the US it is the state's duty to guarantee that our children receive a basic education. The state cannot educate all our children, but it must monitor that all our children receive their guaranteed right to equal educational opportunity. All children, whether in public or private schools, are part of our society and enjoy the privileges and protections granted the general public.

3. This bill does not interfere with religious teaching or the parents' choice to send children to non-public schools. The bill does not require certification of Sunday School teachers (in conflict with the Establishment Clause of the US Constitution), nor does it require that only state-approved texts be used, or that only teachers from state universities be employed. The bill does not prohibit parents from sending their children to non-public schools. It does provide basic minimal qualifications that enable the state to fulfill its legal duty to the citizens of our society to educate our children. When we in the Church take on the responsibility of educating our children, a duty of the state, we must live within the bounds of law and respect the state's requirements. It is in good religious conscience, besides being in our children's best interest, that non-public schools (be they religious or otherwise) provide at least minimum standards.

As a person of faith, I know that any truly religious person has as a primary concern the welfare of our children. These are not public or non-public children, but God's children. They deserve not only religious guidance but the basic skills to live in this society as competent adults as well as God's witnesses.

Cybernet "A"
Feb. 7, 1983

WITNESS STATEMENT

NAME Shelma Robertson BILL No. SB 258
ADDRESS Shelby, Md. DATE _____
WHOM DO YOU REPRESENT Mont. County Supt. of Schools
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Copy 11 21
Feb. 7, 1983

SENATE BILL 253

PRESENTATION BY: THELMA O. ROBERTSON
TOOLE COUNTY SUPERINTENDENT OF SCHOOLS
SHELBY, MONTANA

I am in favor of Senate Bill 253. I feel that as my job as county superintendent of schools I am responsible in seeing that every child in the county receives an adequate education as prescribed by the school laws of Montana. I cannot fulfill this obligation without cooperation of the legislature.

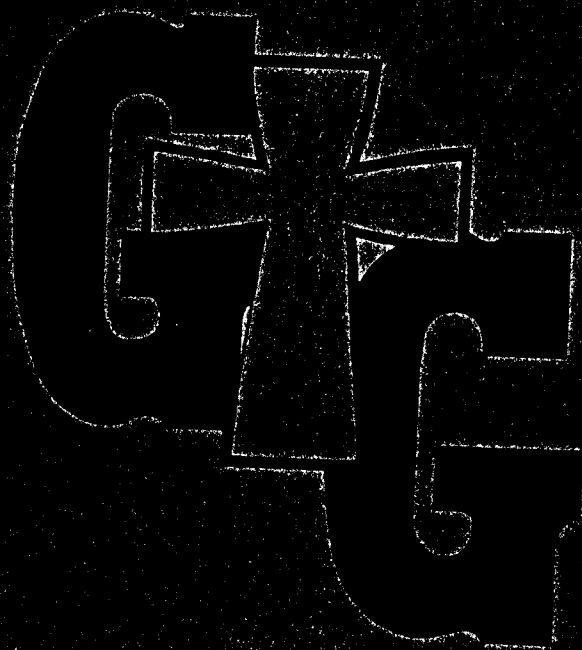
The county superintendent of schools must know where children are residing/ attending what schools. In order to do this, they must have attendance records, and records of academic progress. The above mentioned records should be mandated by law to be submitted to the county superintendent each year. Also, I feel this bill should be amended in that section that speaks to certified teachers. I feel the bill should read "CERTIFIED AS PRESCRIBED BY THE BOARD OF PUBLIC EDUCATION."

Specific areas concerning problems in a private school in Toole County:

1. Non-admittance of County Superintendent of Schools for formal visits
2. Refusal to submit list of students attending

I strongly urge this committee to SUPPORT SENATE BILL 253. This allows the existing deviations to be eliminated, with the above amendments added.

T H A N K Y O U !!!



GRACE GOSPEL ACADEMY

A MEMBERSHIP OF GRACE GOSPEL CHURCH

1580 Valley Street, N.W.

Atlanta, Georgia 30310

Phone: 525-1111

Atlanta, Georgia 30310

THE PURPOSE...

The Academy trains Christian youth in the highest principles of Christian leadership, self-discipline, individual responsibility, personal integrity, and good citizenship. The Academy stands without apology for the old time Gospel and the highest standards of morality in Christian behavior. Grace Gospel admits students of any race, color, and national origin.

Just as the strongest plants grow in the greenhouse, the strongest Christians grow in a semi-protected environment. Young Christians are allowed to develop and mature through the adolescent and teenage years without the usual worldly peer pressure.

At Grace Gospel Academy, the students receive massive doses of love and discipline. It's not unusual for a staff member to wrap his arm around a young child and literally cry out to God for the need of that special young life. Likewise, it is not unusual for a staff member to mete out needed discipline. Pouting, selfishness, anger, and disrespect are unacceptable at Grace Gospel Academy.

THE PROGRAM...

Over 5,000 schools in America use the Accelerated Christian Education Program. Approximately 3 to 4 new Christian schools are started every 24 hours. This trend is accelerating as Christian parents realize the inability of government schools to teach the moral and spiritual truths necessary to prepare young lives for responsible leadership.

Accelerated Christian Education works! It is practical, proven, and continuing to improve. Even the most distinguished traditional Christian schools are handicapped when they have to adapt secular materials to Christian curriculum and philosophy. The Accelerated Christian Education Program is 100% Christian from beginning to end.

Perhaps the primary blessing of ACE is individualized instruction. A genius and a handicapped child may sit side by side and progress spiritually and academically at their own speed.

Is Grace Gospel Academy accredited? Accreditation by the state governmental agency is an administrative mechanism designed to ascertain uniform education for all children in secular schools. It was established as a governmental means of causing a public school district to provide what the state educational agency determined as minimum academic and facility standards for all schools.

Accreditation of a private Christian school is not necessary for a graduate who wishes to attend college. In Montana, no accreditation is available for primary schools. Registrars of institutions are interested in the academic merits of individual students — not in the name of their secondary school. Registrars evaluate each applicant's academic aptitude through nationally standardized tests. The instructional program at Grace Gospel Academy is designed to properly train students who wish to continue their education beyond high school.

The only advantage of graduating from an accredited secondary school in the State of Montana is that the student does not have to pass a college entrance examination in order to enroll as a student in a post-secondary institution in the State of Montana.

Are the Grace Gospel teachers certified? Like accreditation, certification is an acknowledgement by a state governmental agency that a teacher meets certain standards. Certification does not mean that the teacher is "competent" to teach your children. It merely means that the teacher has successfully completed a certain course of instruction.

The teachers at Grace Gospel Academy have been certified by God, the government of the church, the parents and the students. Students are tested prior to acceptance and at the conclusion of every academic year by the nationally recognized California Achievement Test. The results show that the teachers have definitely been certified for this important biblical task.

How much does it cost to attend Grace Gospel? Those involved in Christian Education have found that "it doesn't cost, it pays." A registration fee and a monthly fee is charged all parents in order to defray the necessary expenses of staff, equipment, and materials. If a parent is unwilling to financially support the education of his child, the child should not be enrolled at Grace Gospel Academy, because the parent will also be unwilling to spend the necessary time in praying, reviewing PACES, and meeting with supervisors.

What type of sports or extracurricular activities are available at Grace Gospel? In 1982, Grace Gospel Academy played basketball as a member of the Montana Christian Athletic Association. Eight students from Grace Gospel placed first or second in the Montana-Idaho Student Convention, earning a right to travel to Denton, Texas, for the International Student Convention. Student convention allows wholesome expression of a student's gifts and abilities in such divergent areas as spelling, music, track, photography, sewing, soul winning, Bible memory, and forensics, as well as many other areas.



For additional information, please write or call:

Grace Gospel Academy
1580 Valley Speedway
Helena, Montana 59601
(406) 458-9183

6, 211, 1511 23
JAN 21, 1983

Grace Gospel
A New Testament Church

Box 5627
Helena, Mt. 59604



Doug Kelley - Sr. Pastor
Brad Williams - Pastor

February 1, 1983

Senator Bob Brown, Chairman
Senate Education Committee
State Capitol Building
Helena, Montana 59620

Dear Chairman Brown and Members of the Senate Education Committee:

For many weeks and months, I have raised my voice in public and private in an effort to protect one of our most precious freedoms - the freedom to be a parent. Although the authors of Senate Bill 253 might have noble purposes, SB 253 will have an ignoble effect in that it seriously harms our precious freedom to parent our children.

The proponents of Senate Bill 253 have little or no evidence to show that the actual purpose of compulsory attendance will be achieved. The purpose of compulsory attendance was set forth in Commonwealth v. Roberts, 34 N.E. 402, which states as follows:

The object and purpose of compulsory educational law are that all children shall be educated, not that they should be educated in any particular way.

This same statement is found in People v. Levisen, 404 Ill. 574, 90 N.E. 2d 213 (1950) which stated:

The law is not made to punish those who provide their children with instruction equal or superior to that obtainable in public school. It is made for the parent who fails or refuses to properly educate his child.

The right of parents to control and decide their children's education is a clearly recognized and fundamental constitutional right. It is found in the Ninth Amendment to the United States Constitution which states:

The enumeration in the constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

Even the United Nations in its Declaration of Human Rights recognizes that the fundamental unit of society is the family,

~~~~~

... "And He gave some, apostles; and some, prophets; and some, evangelists; and some, pastors and teachers. . ." Eph 4:11

February 1, 1983

and that parents have the right to control the education of their children. In Thiede v. Town of Scandia Valley, 14 N.W. 2d 400 (1944), the Supreme Court of Minnesota stated:

The entire social and political structure of America rests upon the cornerstone that all men have certain rights which are inherent and inalienable. Among these are the right to be protected in life, liberty, and the pursuit of happiness; the right to acquire, possess, and enjoy property; and the right to establish a home and family relations . . . , at 405.

A parent's right to educate his children has also been recognized in many other cases across the United States. Many of these states have recognized this by the right of privacy within marriage or family including the right to have children. Cases having a special bearing are: Cary v. Population Services Intern., 431 U.S. 816, 97 S. Ct. 2010, (1977); Roe v. Wade, 410 U.S. 113, 93 S. Ct. 705, (1973); Griswold v. State of Connecticut, 381 U.S. 479, 85 S. Ct. 1678 (1965).

In Meyer v. State of Nebraska, 262 U.S. 390, 43 S. Ct. 625 (1923), the United States Supreme Court considered whether or not it was permissible to prohibit the teaching of foreign languages before a certain age level. The Court in this case quoted the Fourteenth Amendment provisions concerning "life, liberty or property" and went on to state:

While this court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not only freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men., at 399.

In earlier decisions of the Supreme Court, the standard in determining constitutionality was whether the regulation which infringed upon parental rights bore a reasonable or substantial relation to a legitimate state purpose. But that has changed.

The burden on the State is now a much greater one. In the recent cases previously cited, such as Roe v. Wade, supra., the standard must now be "compelling state interest." The State may not simply employ a "balancing act" by balancing the State interest against the degree of interference with parental rights. Rather, the State interest must be "compelling" or the parental right to educate the child must be held inviolate.

Is there a "compelling state interest" in the education of children? As stated by the Supreme Court of the United States in San Antonio Independent School District v. Rodriguez, 411 U.S. 1, 93 S. Ct. 1978 (1973):

Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected . . . ., at 35.

We have carefully considered each of the arguments supportive of the District Court's finding that education is a fundamental right or liberty and have found those arguments unpersuasive., at 37.

Thus, there is serious question as to what, if any, "compelling state interest" the State really does have concerning the education of the children. In applying the "compelling state interest" test, the U.S. Supreme Court stated in United States v. Robel., 389 U.S. 258, 88 S. Ct. 419 (1967) as follows:

We are concerned solely with determining whether the statute before us has exceeded the bounds imposed by the Constitution when First Amendment rights are at stake . . . . Our decision today simply recognizes that, when legitimate legislative concerns are expressed in a statute which imposes a substantial burden on protected First Amendment activities, Congress must achieve its goal by means which have a "less drastic" impact on the continued vitality of First Amendment freedoms . . . The Constitution and the basic position of First Amendment rights in our democratic fabric demands nothing less., at 267.

In reviewing Senate Bill 253, it is clear that it does infringe upon the parental right to raise and educate their children in accordance with their own dictates. Thus, the second question must be asked: Does the State of Montana have a "compelling

interest" in the education of the children? If this question is answered in the affirmative, we must ask the third question: Is the method of implementing the "compelling state interest" the "least drastic" method available? I think not.

As a former county attorney and former defense attorney, I am appalled by the intrusive nature of Senate Bill 253. The unwarranted search into our churches cannot and should not be permitted. The unwarranted interference with parental rights cannot and should not be permitted. In particular, Senate Bill 253 is offensive in the following areas:

(1) Section 20-3-205 (26) gives vast and unconstitutional power to the county superintendents to "review, investigate, and accept for filing or reject any statement from a non-public school." The power to review and investigate is virtually the power to control. This type of control is intrusive, unwarranted and unconstitutional.

(2) Section 20-5-102(a) shifts the burden to the non-public school to "demonstrate compliance." There is absolutely no basis in fact or law to shift this burden to the non-public school. The law in the State of Montana from 1903 through 1983 has been more than adequate to prosecute parents who have failed in their responsibility to educate their children. There are several truancy prosecutions throughout the State of Montana right now which evidence this very fact. Accepting the language suggested in Senate Bill 253 virtually shifts the burden from the public sector to the non-public sector. Such shifting is unwarranted and unconstitutional.

(3) The equivalency provision set forth in new Section 4 (1) is vague and ambiguous. Again, who is going to make the decision on equivalency? The present law allows the courts of law to make that decision. It appears that Senate Bill 253 is going to shift that responsibility to the county superintendent. I seriously question the appropriateness or constitutionality of this shifting.

(4) Written contracts for the administrators or teachers serve absolutely no purpose. Many church and private schools do not as a matter of practice or conscience use written contracts. From the perspective of the church, these administrators and teachers are oftentimes viewed as "ministers" who receive no financial compensation. The written contract for most is the written Word of God, from Genesis through Revelation.

(5) It's difficult to comprehend any justification for the certification of either the administrators or teachers. It is easy to see that Senate Bill 253 was an attempt to be all things to all men. However, the language that the school "provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school" is highly nebulous. Who decides this issue? If that is going to be the rule of the law, then why have subsections (a) or (b) requiring certification or bachelor of science or bachelor of arts degrees?

The law in the State of Montana has been muddled ever since recodification of the school laws in 1971. Prior to recodification, former Section 75-2901 which upon recodification became 75-6303 (later 20-5-102) stated that "A PARENT SHALL INSTRUCT or cause to be instructed" their children. Notice that the burden was placed upon the parents. This is as it should be. Prior to recodification, the statute stated that a child should be enrolled in a public, private or parochial school. Private and parochial schools were not second-class schools relegated to a subsection of the compulsory attendance law. They stood shoulder to shoulder with the public schools.

An editorial which appeared in the Missoulian on Tuesday, January 18, 1983, stated everything so well. Sam Reynolds, editorial page editor, stated as follows:

Most parish schools with their religious doctrine (so very suspect for many people), are using love, discipline, non-certified teachers and are doing a whale of a good job by any measure that the public schools, or government, wish to make.

Horror stories about semi-literate home-taught kids undoubtedly could be dug up, along with horror stories about parish schools that do a bum job.

It's to rescue those kids from deprivation that motivates state government to step in, in place of the parents.

Government should step out. Public education is its turf. Private religious education is not. The First Amendment says that government "shall make no law respecting an establishment of religion (imposing prayer on public schools), or prohibiting the free exercise thereof" (controlling church schools.)

Senate Education Committee

Page 6

February 1, 1983

The fundamentalists are working on legislation in Helena to loosen state control. Under the bill, a school would have to have an "organized course of study" that included all the basic subjects. It would not have to abide by the Board of Public Education's "basic instructional program."

The course of study outlined should be enough to prevent educational horror stories from happening. It should be applied only to private schools.

And -- to get back to fundamentals -- it should be passed by the Legislature.

-- Sam Reynolds

To the conclusion of Mr. Sam Reynolds of the Missoulian, I wish to add my hearty Amen. Thank you for giving this matter your utmost attention and consideration.

Respectfully yours,



Douglas B. Kelley

DBK:ml

2/2/83  
Feb. 2, 1983

NAME: Gregory L. Dorow

DATE: 2-2-83

ADDRESS: 3010 Parkhill Dr Billings MT 59102

PHONE: 406-652-2097

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? \_\_\_\_\_

AMEND? \_\_\_\_\_

OPPOSE? ☒

COMMENTS: written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

4-24  
4-3

3

Chairman and members of the committee:

the record my name is Greg Dorow. I have been engaged in the private practice of dentistry in Billings, Mt. for 9 years. I have B.S. degrees in biology and chemistry from R.M.C. and a doctorate of dental surgery from U. of D. I oppose Senate Bill 253.

I have to question the wisdom of the state's concern and possible intervention into the private education sector under the premise of child protection when that same state and society has decided not to intervene in parental decisions during the child's period of fetal maturation.

If a parent has the right to stop a child's life during fetal development, I certainly have the right to choose the spiritual and educational development of my child without state interference. I believe this bill would interfere with my right to direct my child's academic, spiritual and social development that it aligns with my convictions.

WT 14.25  
1983

Lay Wilson, eVangelist

1/2/83

1233 N. 8<sup>th</sup> Bozeman, MT 59715

587-8365

Christian Education Association of Montana

Senate Bill 253

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 2, 1983

republican

TESTIMONY OF THE CHRISTIAN EDUCATION ASSOCIATION OF MONTANA  
to the Senate Education Committee  
on Senate Bill 253  
Feb. 2, 1983

INTRODUCTION:

The issues raised by the proposed Senate Bill 253 on clarifying the exemption from compulsory enrollment in a public school for pupils enrolled in a nonpublic school, etc., are extremely far-reaching in scope — possibly more far-reaching than members of the Committee realize. The issue is much deeper than simply "quality education". We are dealing with the subjects of parental rights, and separation of church and state as indicated in the 1st Amendment to the U.S. Constitution. In our testimony, we hope to be able to speak clearly to these issues, with concluding focus on the specific provisions of Senate Bill 253.

BRIEF SURVEY OF SOURCE OF RIGHTS AS DEFINED IN THE DECLARATION OF INDEPENDENCE

The foundation for freedom in this country — unique in history as the only voluntary recognition of this fact — is that rights are not granted by government, but are granted by God. As the founding fathers attested — "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness." More than just pretty words on a piece of paper, this concept was the fuel for the American Revolution. With the firm belief that their rights were derived from a sovereign God, they rebelled against the tyranny of a despot who would take away their God-given rights.

In the next breath they went on to define the function of government — "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." The function of government is to secure previously existing rights. A government which exercises powers interfering with such God-given rights was considered by the document's signers as unjust.

How can "just powers" be defined? The very element of "just" and "justice" is that there is some standard — that there is some measuring rod — against which conduct can be tested. The question is: What is that measuring rod? Are "just powers" subject to the vagaries and whims of each newly enlightened generation, or is there some sounding bass of "justice" that never changes? An increasingly secular society is rejecting the existence of a standard derived from God, and consequently moving away from the foundational principles of freedom which made America the greatest country on the face of the earth.

But the standard for justice for our founding fathers — and the source of our laws regarding what is criminal and what is not — was the basic principles of the Bible. This was the backdrop of the documents for American freedom — so much so that these truths were regarded as "self evident".

CHILDREN ARE WARDS OF THEIR PARENTS — NOT WARDS OF THE STATE

One of the basic questions of life is. Who owns the children? In America children have always been regarded as wards of their parents. The parents are responsible for feeding, clothing, and educating their young. This has been regarded as a fundamental right derived from God, and a right to be protected by the local and national governments from all enemies, foreign and/or domestic. The fact that a small percentage of parents have not been as responsible for feeding, clothing, and educating their children as "others" deemed they ought to be has never negated the general fact that nobody is more concerned about children than their parents. In American education, parents have the right and the responsibility to discipline and instruct their children in the way they think the children should go.

In other countries — such as Nazi Germany and the Soviet Union — children have been and are regarded as wards of the state. Children are raised by their parents until the state deems that the child needs to be sent elsewhere — for the good of the state. Children are educated by the state where the state wants the children educated, and in curricula that the state determines is most suitable for the child — for the good of the state. Such language, of course, is the language of tyranny.

The fundamental issue before the Committee today is this issue: Who owns the children? The provisions of Senate Bill 253 are major steps in the process by which children cease to be wards of their parents, and become wards of the state.

EDUCATION ESTABLISHMENT — CONTROL, NOT QUALITY

The Committee has heard, and will hear arguments from various sources within the "educational establishment" — the Board of Public Education, and others — who insist that the state has an obligation to ensure that

child in Montana is receiving a "quality education". The issue of "quality" is simply a smokescreen, and not the issue facing the Committee today. For 20 straight years scores on national tests of public school students declined, and while Montana remains above the national average, its "quality" of public education has declined in keeping with the national "quality". Certification of teachers and requirements for so many hours of study in such and such courses demonstrably do not generate "quality education". In fact, the declining quality of public education is one of the major reasons why many parents are removing their children from the public system, and are involved in educating their children at home where they can control the environment, or are joining with other parents of a like mind, or cooperating with their churches in private education.

"Quality" is a smokescreen. The real issue is "control". So it was in Nazi Germany, and so it is in the Soviet Union.

The terms of Senate Bill 253 begin with these words — "Board of public education — powers and duties." Under the terms of this bill give "power" to the Board of Public Education to regulate or disallow any form of private education — at the whim of the Board of Public Education. Under the terms of this bill a private school must beg permission from the state to operate, and parents must beg permission from the state to operate outside the confines of "public education". Under the terms of this bill, private education is considered "unqualified" unless it can demonstrate — at the whim of the state — that it is "qualified". Under the terms of this bill, parents are automatically considered guilty unless they can demonstrate their "innocence".

Consider one example out of the pages of recent American history. In 1970 the state of Ohio established its Minimum Standards for Ohio Elementary Schools, which were applied to non-public as well as public schools. When Levi Whisner, of the Tabernacle Christian School, refused to meet the standards on the grounds that he couldn't meet them without compromising his belief in the Bible, he was promptly hauled into court. Whisner maintained that the Minimum Standards were effectively establishing Secular Humanism as a state religion, and a direct violation of the 1st Amendment to the U.S. Constitution. In July of 1976, the Supreme Court of Ohio ruled in Whisner's favor, agreeing that the Standards were in fact humanistic, and were violating Whisner's rights. Of tremendous importance in this case was the Friend of the Court brief filed by Dr. Martin W. Essex, Superintendent of Public Instruction for the State of Ohio. We quote from Dr. Essex as being indicative of the direction that Public Educators can take when given "power" to act:

"If defendants have presented evidence sufficient to support a claim of religious infringement by the State through its Minimum Standards, must the religious freedom necessarily prevail? Clearly not . . .

"Even if defendants were to have stated a claim for relief under the Free Exercise Clause, the State's interests in providing for a compulsory minimum standard of education clearly outweighs whatever minor infringement on defendants' religious practices may result" (Whisner vs. Ohio).

It is clear that Dr. Essex regards the State's power in compulsory education as more important than Constitutionally guaranteed religious freedom. Such is the language of Nazi Germany, and the Soviet Union. Unfortunately, Dr. Essex is representative of the general attitude of public educators.

Our point in this passage is that private education — and the Committee — have cause to fear what reposing "power" in the hands of public educators can do.

#### OBJECTIONS TO PROVISIONS IN THE BILL

The Christian Education Association of Montana is composed of churches which operate Monday through Friday educational ministries as part of the church function. To them, Monday school is just as much a part of their religious education as Sunday school. As integral ministries of their churches, the State cannot regulate their Monday through Friday ministries any more than it can their Sunday ministries without violating the 1st Amendment to the Constitution. Churches — by their very existence, and by principles in the formation of America — must operate, and must be subject to God rather than the state.

For this reason, we must maintain that every provision of Senate Bill 253 regulating Christian education must be rejected. Quality is not the issue — we cannot and must not accept control by the state. Such control would at some point wipe out our cherished freedom to bring our children in the discipline and instruction of the Lord. We ask the Committee to very carefully consider these issues, and govern themselves accordingly.

DATE: 2-2-83

ADDRESS: 105 Mill Ave; Whitefish, MT 59937

PHONE: 862-4487

REPRESENTING WHOM? Private schools

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

examined 26  
Feb. 7, 1983

Michael L. Proffitt

Testimony - Opposition to Senate Bill #253  
Wednesday, February 2, 1:00 P.M.

I We are a particular type of people who are collectively a "community of faith" as distinct as the Amish. We are a minority within a minority. We are a peculiar type of people whose religion demands that we have clear cut standards of morality, lifestyle, and most particularly -- education, which cannot be compromised under penalty of imprisonment. We do not accept Christian schools as an alternate form of education, but rather as the ONLY form of education permissible to us, and to our people.

II The Montana School Boards Association Bulletin  
September, 1982  
"What is to be Done?" by Phil Keisling

Discussing what needs to be done in the public schools:

1. Parents unite and withdraw from local PTA chapters
2. Parents should be involved and urge school districts to hire as teachers able and exciting people who don't happen to have teaching certificates
3. Bring back flunking
4. Smash Credentialism - performance should determine employment
5. Abolish exisiting tenure laws

University of Chicago sociologist James Coleman examined 60,000 high school students in private and public schools.

Coleman's most significant finding is indisputable: both the teachers and students in private schools work harder than their public counterparts. Twice as many private school students have more than an hour of homework a night, and almost three times as many are taking a third-year language course. Private schools not only expect more of their students, they get more - and at the behest of teachers who often lack the credentials public schools would require.

# The Montana School Boards Association

401 N. Sanders

Helena, Montana 59601

Phone: (406) 442-2180

Vol. XIII, No. 7

CIRCULATION 2,000

September, 1982

## What is to be done?

By Phil Keisling

Editor, The Washington Monthly

*Editor's note: Phil Keisling, author of the  
owing hard-hitting article - taken from a  
ger one titled "The Class War We Can't  
ord to Lose" - which has been reprinted by  
mission of the Public Service Research  
uncil, will address the Chairman's Breakfast  
:30 a.m. Friday, October 22, at the Montana  
ference of Education Leadership in Billings.*

at's not kid ourselves. Public education is in  
tal danger, and unless its ostensible friends act  
i, its slide into oblivion will be irreversible.  
le there's certainly no shortage of ways to  
rove our public schools, here are some places  
tart:

Parents Unite! As a first symbolic act, parents

should withdraw from their local parent-teacher  
association chapters. Much as individual teachers  
may be sympathetic — and many thoughtful  
teachers are quite disgruntled with their unions —  
the teachers as a group are, to put it bluntly, the  
enemy. They're ultimately more interested in  
protecting their jobs than making sure your  
children get a good education.)

In taking on the teachers, parents and concerned  
citizens need to be bold. Rather than boycott the  
schools they should try to take them over. Parents  
should visit classrooms and observe teachers. They  
should apply pressure to school boards and  
administrators to fire incompetents. They should  
seek ways to undermine credentialism; for  
example, urging school districts to hire as teachers  
able and exciting people who don't happen to have  
teaching certificates. Citizens will have to fight a  
lot of little battles, but once the facade begins to  
crack, it could crumble quickly.

Quite a bit, says Keisling

— Bring Back Requirements. In the last decade  
and a half the cry of "academic freedom" has led  
to a wholesale elimination of secondary school  
requirements, not just in math and science but in  
English, history, and other subjects. Much as they  
may lament illiteracy among high school  
graduates, colleges have been a major culprit in  
this development by lowering their own admission  
standards to attract more students. More is needed  
than going "back to basics;" rote memorization of  
multiplication tables and verb conjugations is no  
substitute for teaching students how to reason with  
numbers or express themselves in writing. Even  
so, at least two years of American history and  
government, four years of English, and at least two  
years of math, science, and a foreign language  
should be considered an absolute minimum for any  
high school graduate, college-bound or not.

# What Is to be done?

Continued from page 1

— **Bring Back Flunking.** In many school districts a phenomenon known as "social promotion" has made flunked students nearly obsolete. The theory's adherents say it's better to pass a slow-learning student on to the next grade because the "stigma" of failure will do far more psychological damage than any loss in achievement. The policy is a cruel hoax; students who aren't failed most certainly will fail in the real world. No small thanks to social promotion, an estimated 13 percent of our high school graduates can't read past a sixth-grade level.

— **Smash Credentialism.** Teachers should be required to have a bachelor's degree in the subject they wish to teach. Beyond that, performance should determine employment. A new teacher should be intensively supervised by a senior teacher the first year; useful methodology courses should be taken during the school year or over a summer vacation. (A few teachers' colleges already use this technique; the graduates of Cambridge, Massachusetts's Lesley College for example, are some of the most highly prized teachers in the profession.)

— **Abolish Existing Tenure Laws.** Most teachers now get tenure after only three years. This gives far too many of them jobs for as long as they want them, protecting those who have no business being in the classroom. A better scheme would offer contracts of increasing duration — one, three, and then five years, for example. If a school district elected not to renew a contract upon its expiration, teachers could not appeal the decision.

Abolishing tenure not only would give schools far more flexibility in upgrading their teaching staffs, but would encourage people to enter the profession for short stints. Attracting the best graduates of our top colleges for two or three year periods — as

the Peace Corps does with its overseas teaching programs — would inject some youthful energy into the profession. Many of these same people, who would make excellent teachers because of their knowledge of their subjects, are now driven away from the profession by the education course requirements. Once in the classroom some may decide to make a teaching career. Such a system would also encourage people in the middle of careers elsewhere to try teaching, thus giving students valuable insights into the workings of the outside world.

— **To Each According To His Ability....** The current method of compensating teachers solely on the basis of seniority and college degrees is senseless, unfair, and one of the cruelest tricks unions play on our children. By rewarding incompetent teachers and making the good ones wonder why they even bother, this system does more to undermine excellence in the public schools than almost anything else. Teachers should be paid according to how well they perform, as measured not only by tests and administrators, but by fellow teachers, parents, and students.

For teachers with badly needed skills in math and science, school districts should pay what's necessary to attract qualified people. Not doing so only insures that most of their students remain ignorant of subjects they can't afford to remain ignorant of, especially in an age of electronics and high technology.

— **Quarantine the Aggressors.** It's naive to suggest that every child in public school can be transformed into an attentive student by even the best of teachers. It takes only a few acts of violence and disruption to poison the whole learning atmosphere; as a result, many of our urban classrooms would drive away even the most dedicated of teachers. The unions have a legitimate

grievance here: teachers must be given far more authority to rid themselves of troublesome students so they can focus on teaching those who have shown some willingness to learn.

The model for most of these changes, if you haven't guessed by now, is the institution liberals often denigrate in public but turn to as parents: the private schools. These parents do so in the belief that private schools, usually with less money and lower-paid teachers, do a better job of educating their children.

They're right, at least according to a massive report last year by University of Chicago sociologist James Coleman that examined 60,000 high school students in public and private schools. Fellow sociologists have severely criticized Coleman's methodology in reaching this conclusion, and some of the criticisms may be valid. But Coleman's most significant finding is indisputable: both the teachers and students in private schools work harder than their public counterparts. Twice as many private school students have more than an hour of homework a night, and almost three times as many are taking a third-year language course. Private schools not only expect more of their students, they get more — and at the behest of teachers who often lack the credentials public schools would require.

So the nation's private schools have many valuable lessons to offer. But there's one more, major change that's required to rescue our public schools, and it's by far the most important:

— **Fire incompetent teachers.** Only the wholesale dismissal of incompetent teachers will give our public schools a reasonable chance for survival. Yet most people, especially liberals, reel in horror at this unpleasant prospect. They instead urge

Turn to page 8

"compassion" and "understanding," as if poorly educated, uninspired teachers can be miraculously transformed into models of excellence. But just as the reluctance to rid the classroom of a few disruptive students can ruin the learning process for everyone, the refusal to make the necessary judgments about the abilities of our teachers will doom our public schools to continued deterioration, and ultimate failure.

As our public schools fail, the victims won't be just the millions of poorly educated children relegated to lives spent on the welfare rolls and in

the unemployment lines. All of us will suffer. A nation of citizens ignorant of basic skills cannot hope to prosper economically in an increasingly competitive world. More importantly, we can ill afford to become a nation in which most of us lack a basic understanding of how our fellow citizens live.

Unpalatable as firings may be, we simply have no other choice. True, clearing our classrooms of bad teachers won't be easy. Many nice, likable people will have to be fired. The power of the teachers' unions to protect and reward incompetents must be broken. But to settle for anything less than the best

teachers is to betray one of the fundamental tenets of our democratic society — that every child, regardless of circumstances of birth, deserves an equal opportunity for a quality education. America certainly has never succeeded in fulfilling the promise of the public schools. But if people continue to abandon the public schools, either by taking their own children out of them or refusing to acknowledge what must be done to save them, we should stop kidding ourselves — and admit it was a promise we never really meant to keep. □

EXHIBIT # 27  
Feb. 7, 1983

NAME: James D Moore DATE: 2-

ADDRESS: Box 1198, Kalispell, Montana

PHONE: 755-8020 (office); 257-4464 (home)

REPRESENTING WHOM? Self & New Covenant Christian School

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: Object principally to regulation  
of substance or teaching techniques,  
on the basis that such regulation  
goes to the very integrity of the  
Christian School programs.

Object to certification proposals,  
both of administrators & teachers  
as unnecessarily burdensome.

Object to entry of state into  
active regulation of Christian Schools  
when no problems or deficiencies  
presently exist, & children are testing  
well above norms.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

UPPER 70  
Feb. 7, 1983

NAME: Chris McBee DATE: 2/2/83

ADDRESS: 302-D So 16<sup>th</sup> Bozeman, MT 59715

PHONE: 586-1189

REPRESENTING WHOM? Taxpayers Educational Association

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: See prepared statement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

~~March~~  
Feb. 7, 1983

The Taxpayers Educational Association is vehemently opposed to the passage of Senate Bill # 253.

It is our feeling that this bill is a reactionary, and oppressive measure designed to crush the bloom of a multitude of small, independent, and often religiously based private schools. Amongst this is the home school movement.

We view the emergence of these sometimes unorthodox educational alternatives with relief in comparison to a stagnant, bloating, and tax gobbling public system.

The increasing need for remedial work in arithmetic and language skills for freshmen entering our universities has not escaped our notice. Our public school system is failing to produce in our children the general level of excellence commensurate with the cost per pupil.

We note that the authority to approve or reject a nonpublic school's statement of compliance will reside as an additional duty for the county superintendent. Included in the authority is the final approval or rejection of those chosen by private religious schools for administrative and teaching purposes.

As the guest speaker of the Taxpayers Educational Association on January 31, 1983, Margaret Brown, Gallatin County Superintendent of Schools was asked if she felt that it was appropriately within the scope of her public office and personal ability to approve or disapprove of choices which private secular or religious schools make in selecting their administrative and teaching staff. She replied that she would be "very uncomfortable" with the responsibility and would prefer to "only make recommendations" in that regard. It is the view of the T.E.A. that the proposed additional authority for the county superintendents is a gross abridgement of the constitutional separation of church and state.

In addition, the exercise of approval or rejection of teaching and administrative personnel for sectarian schools will undoubtedly be held as unconstitutional aid to sectarian schools, prohibited by Article X section 6, in light of the ambiguous and unsupportable criteria for compliance given in the newly proposed section four.

The requirement that private schools only employ as administrators or teachers those under written contract who (a) are certified to teach in any state or (b) preparing for certification must surely have been instigated by the M.E.A. or the N.E.A. Their stranglehold on the american education establishment can only foster and encourage an already present philosophical inbreeding and ultimate qualitative degeneration.

In Hinton Vs. Kentucky State Board of Education and Michigan Vs. Nobel the courts held that the states had not been able to show any evidence that certified teachers produce better results than uncertified. Professor Donald Erikson of the University of San Francisco testified as an expert witness that students in private schools consistently do better on standardized tests than public school students even though many private schools do not require teacher certification.

The possibility that a prospective administrator or teacher may qualify by providing (c)"evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school." is so ambiguous as to be totally worthless.

It has been expressed that legislation of the nature of SR 253 is necessary to supposedly prevent a minority of parents from keeping their children home and not providing them with any education at all, thus abusing the children.

Please refer to the attached study performed by ophthalmologist Henry Hilgartner of Austin Texas.

This study, covering more than fifty years, describes the effect which compulsory enrollment at decreasing ages has had on the incidence of myopia or near-sightedness.

In addition, there is the continuing push by the education establishment to enter children into formalized education programs at ever younger ages. This is completely contrary to the findings of such noted researchers as;

|                       |                    |
|-----------------------|--------------------|
| Dr. Louise Bates Ames | Gesell Institute   |
| Dr. Frances Ilg       | Gesell Institute   |
| Jean Piaget           | Swiss Psychologist |
| Uri Bronfenbrenner    | Cornell University |

Their published findings indicate that the optimum time in a child's life for introducing formalized education is in early adolescence, not from 3 to five years of age.

Abuse? Yes, we will see abuse, but it is doubtful that it would ever match the level presently institutionalized in our public schools.

The Taxpayers Educational association applauds the innovative spirit within the private and home-school concept and views the reduction of pupils in the public system as an event which will eventually lead to the enhancement of the quality of the public schools.

Referring to the Bozeman Daily Chronicle clipping, we are becoming unable to meet the monetary demands of even basic teaching and maintenance programs.

Property owners are tired of continually digging deeper to pay costs and now we are being asked to pay for the policing of the private schools. Enough is Enough.

NAME Mrs. Mary E. Doubek BILL NO. \_\_\_\_\_  
ADDRESS 7645 N. Mont. Ave DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT Myself, Private Schools, Children, parents  
SUPPORT \_\_\_\_\_ OPPOSE Yes Oppose AMEND \_\_\_\_\_  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:  
My statement is in your possession

Feb. 2, 1983

Mrs. Mary Doubek  
7645 North Montana  
Helena, Montana  
59601

Feb. 2, 1983

Whom It May Concern:

I am Mrs. Mary E. Doubek, wife, mother of seven adult children, grandmothers of ten children and a Montana certified teacher K-12, and I speak in opposition to S.B. 253

I am a firm believer in the importance of Private Schools. I am apposed to a monopoly of public schools with no or little freedom of choice to those who prefer to have youngsters attend schools which reflect their values... their philosophy, the basics which are so important for students to learn so as to make their way in the world as good children of God and useful citizens in our country & community.

Parents are the primary educators of their children and should have the right to choose which schools their children attend. If the public schools dictate the rules & control the private schools "calling the shots" so to speak then the private schools will simply be a duplicate or a reflection of the public schools. Why should the State Board impose control on these Private Schools? There should be freedom of choice in Education. With so much criticism of the education which children are receiving today in the public schools, & in some cases the lack of it, why should the power structure & control of private schools be subject to review of Public School authorities.

I personally have had many problems with teaching in the Public Schools and have found the education there to be frequently in conflict with my religious principles as evidenced by the evidence which I submit for your perusal. To name just a few: textbook selection & problems, creation versus evolution, Behavior modification, Indoctrination of values which are apposed by me & my Church, Sex education etc are just a few of the more prominent ones. I conducted a Private Home School for several years ago & was aghast at the

deficiency in the education of these children who were in seventh & ninth grades. They were average or better than average students & yet they apparently by testing were of third or fourth grade competency. That was when they first came into my Home School. They emerged a year later much more qualified in areas of Arithmetic, Spelling, English, Reading, History and Geography. Of course in my school Religion was the most important subject.

When we ask "Why did God make you?"

Our answer is -- "He made us to know Him, to love Him & to serve Him in this world & to be happy with Him forever in the next." We must preserve the right to teach children in private schools unencumbered by the controllers of another philosophy.

Please vote against S B 253 -

Thank you,

Respectfully

Mrs. May C. Doubek

# Mother decries sex education in schools

By THOMAS KOTYNSKI  
Tribune Capitol Bureau

HELENA — Mary Doubek, a Helena homemaker and activist, thinks parents aren't getting upset over the sex education in the public schools issue because they aren't aware of what is being taught.

Doubek, who made her mark in the early 1970s fighting ratification of the Equal Rights Amendment, is taking on sex education in the public schools in the '80s.

She's opposed to sex education in the schools because she believes it violates parental and religious rights.

Where sex education is taught there is no way to escape the teaching of values that might conflict with parental and church teaching, she believes.

And she is fearful the dominant value espoused will be that of secular humanism.

The secular humanist believes there is no God, man is his own God and the state is his altar, she said.

"Under the guise of educating on sex, the teachers are instilling the values of secular humanism which the courts have defined as a religion," she said. "Secular humanism teaches non-moral, non-traditional values and takes a slap at religion. It gets the edge because it's taught in schools, it has the air of respectability and parental endorsement."

She claims secular humanism encourages children to fashion their own values.

"They (the humanists) don't want us, the parents, to pass on traditional values," she said. "They want the children to make their own values."

The humanist approach when coupled with sex education has led to an increase in sexual activity outside marriage because children reason sexual activity is morally permissible, she said.

Doubek, the mother of seven children ages 19 to 31 and a traditional Catholic, said it is difficult for parents to discover what kind of sex education is being taught in the schools because it can be taught in home economics, physical education, health and even English courses.

She said she has no idea how extensive sex education is in Montana's public schools.

But she is leading the opposition to moves by the state Board of Public Education to explore the issue of requiring sex education in the schools.

Doubek doesn't buy the notion that sex education should be taught in the schools because parents have failed to instruct their children at home.

"How does anyone know what parents are doing?" Doubek asked in response to reports about increased teen pregnancy and venereal disease as a result of ignorance about sex.

She believes it is better for a child to get no information about sex rather than the wrong information taught in schools.

The statistics about teen-age pregnancy include married-teens and are distorted by those who interpret them, she said.

She said wherever sex education is taking place in the public schools the incidents of teen pregnancy rise, "as proven in Russia, Sweden, Denmark."

Doubek notes the statistics on teen pregnancy in the United States were much lower before sex education became fashionable, and have gone up since it became widespread in public schools.

She cites Dr. Melvin Ansell, a physician and psychiatrist from California, as an authority on sex education. She said he claims a child can be taught all that is needed to be known about sex in 15 minutes.

"But many school districts devote 150 hours to this fetid (sex education)," she said, "I think it's ridiculous to spend so much time on it. Children become obsessed with sex because of it. With that much time spent on it, it becomes a matter of character formation, not simply information."

Sex education should stress purity and modesty, something which can be taught at home, she said.

Sex education is also producing a "contraceptive mentality," she maintains, because children begin to feel everything is permissible as long as they don't get pregnant.

Doubek thinks mandatory sex education will result in intimidation of many children, who, if they choose not to attend classes, will be taunted by their peers. Others are embarrassed by a discussion of sex, she said.

Doubek believes sex education may violate the 1978 Hatch Amendment to the General Education Provisions Act, a law to protect student and parental rights in relation to public school programs and policies.

Sen. Orrin G. Hatch, R-Utah, the author of the amendment, has written that the law requires the informed and written parental consent for any testing that is psychiatric in nature, which is not scholastic aptitude or achievement oriented. He said emphasis in the classroom should be on what a child knows rather than what he feels.

Specifically, the amendment states no student shall be required to submit to testing in which the primary purpose is to reveal information concerning, among other things, sex behavior and attitudes; mental and psychological problems potentially embarrassing to the student or his family.

Doubek said she has done her best to gather information about sex education being taught in the Helena schools, and the kinds of tests children are taking. She believes some of the teaching materials and tests would indicate the Hatch Amendment is being violated.

One particularly objectionable test to Doubek, the "sex knowledge checklist" asks for true and false answers on 53 questions on such questions as: "There are absolutely no negative physical or emotional effects from masturbating," Doubek said the "correct" answer is "true," an answer she believes is not correct and contains an improper value judgement.

Among the other questions are those that ask whether it is true or false whether males masturbate at an earlier age and with more frequency than females; whether most transvestites have a homosexual orientation; whether females are rarely voyeurs or exhibitionists; whether males and females are approximately equal percentages are involved in fetishism; and whether transsexualism is predominantly a male phenomenon.

Students are also taking values clarification tests to provoke discussion on different ethical topics.

Doubek also produced informational materials from the Helena Family Planning Clinic that are distributed to Helena high school students detailing contraceptive methods, which she believes encourages sexual activity.

She said she isn't trying to impose her values on people regarding sex education, but doesn't believe the schools should impose values on her children other than the ones which are taught at home.

She is worried about the effect a Montana Student Council Convention endorsement of mandatory sex education will have on other students. Students talking to other students, encouraging mandatory sex education could be very instrumental in getting its approval, she said.

Doubek had a copy of a questionnaire given to delegates to the convention on Nov. 11 that asks such questions about the students' sex lives, such as if they had ever had sexual intercourse, when, and how often, and whether contraceptives are used.

Doubek believes there will be legislation during the 1981 Legislature requiring mandatory sex education, which she hopes will be defeated.



IS THE WHITE SULPHUR SPRINGS SCHOOL SYSTEM LITERATURE  
SHOCKING AND DEMORALIZING?

ARE OUR CHILDRENS MORALS BEING UNDERMINED?

The following examples are taken directly from the literature books entitled  
"Responding" by Ginn Co., recently purchased by the local high school.

Book Three (Grade 9)

p.7 "Real coy, boy. She's crazy for it... Just crazy. Real-crazy hungry chick, yeah."

p.7 "All right already. Jesus!"

p.21 I wanted to get back to Jackie and pot and the streets and stealing. This was my way of life.

p.96 All of us would be in somebody's place, usually one of the girls', and we'd be turning on, the reeferers making everybody's head light, or the whisky aglow in our middles.

p.100 (a poem) The Murder of Two Men by a Young Kid

Wearing Lemon-colored Gloves

Wait.      Wait.      Wait.      Wait.      Wait.      Wait.      Wait.  
Wait.      Wait.      Wait.      Wait.      Wait.      Wait.      Wait.  
Wait.      Wait.      Wait.      Wait.      Wait.      Wait.      Wait.

NOW

p.174 (a poem) from the Black Riders

In the desert

I saw a creature, naked, bestial,

Who, squatting upon the ground,

Held his heart in his hands,

And ate of it.

I said, "Is it good, friend?"

"It is bitter - bitter, "he answered

"But I like it

Because it is bitter,

And because it is my heart."

p.268 I uncreased the bill, tenderly as you may imagine, it just having come from between the two smoothest, scoops of vanilla I had ever known were there,

p.271 ...he had been cruel to animals; he had trafficked with whores...

p.273 "C'mon he was screaming to the sky, "c'mon you bastard..."

p.274 He shuffled ahead of me without answering; his oxlike behind should have had a tail on it to flick the flies away--it infuriated me. "You goddamn liar!" I said.

p.326 He was hurting too much, needing the quick jab of the sharp sweet point and the hot flow of the stuff in his veins.

p.368 For the most part, my uncle Melik replied, we are an agricultural people, although we have had our brilliant men, too.

Book Four (Grade 10)

p.327 "Have you Bastards taken Madrid."

p.354 "And you can give all those poor bastards a personal message from me."

p.374 "Don't you want some gas, nigger?"

"Then why the hell don't you ask for it nigger?"

"Hell nigger, this goddamn thing I take more'n ten gallons. won't it?"

p.379 "I could cut his throat just so, zip! zip!" "Out of his neck a gush of blood would spout onto the sheet, on the chair, on my hands, on the floor."

p.117 Why Ivy Pritchert was one of the worst whores in this whole part of the country.

Book Five (Grade 11)

p.193 Look at that chick! Look at that de-light under the light! So round, so firm, so fully packed!

p.323 He don't even know how old he is! My guess is, too young to know what his parts are for.

p.318 Release your Irish noise, you fat-mouthed mackerel snatcher... You son of a

p.308 He was dressed as poorly as any Negro. From behind his back, he produced a brown rag doll, looked at her again, then grabbed the doll by its legs, and tore it partway up the middle. Then he jammed his finger into the rip between the doll's legs. The other men laughed uproariously.

p.368 Old men remind her that a few years back they rode her hobby-horse upon their knees. Karintha smiled, and indulges them when she is in the mood for it.

p.372 "Take off her clothes, Jack," Les said. "I've got her. She can't get away as long as I'm holding her."

p.373 I got Jenny's dress off and tossed it on the bushes so it would not get covered with muck.

p.373 "Hurry and take her clothes off."

"Are you going to strip her naked?" I said.

"Sure," Les said.

p.374 Les had begun to spread the muck over her, rubbing it into her skin. He took a handful and smeared it over her legs and thighs and stomach. Then he took another handful and rubbed it over her shoulders and breasts. Jenny still did not attempt to move, though she squirmed a little when Les rubbed the most tender parts of her body with the mass of rotted leaves and mud.

p.374 When my hands moved over her, I could feel that her body was much softer than mine, and that parts of her were very soft. When I smeared the slick mud over her breasts, it felt so smooth and soft that I was afraid to touch her there again.

#### Book Six (Grade 12)

Forward: There is nothing in this book that represents an official literary tradition, nothing that illustrates some fact that literary history or literary style or literary convention.

p.73 Because he had lived with more women from time to time and place to place than the average man could even shake a stick at.

p.86 One of the girls, who is only sixteen has gotten pregnant and everyone knows that it is all on account of the science instructor, who is a drip. We are waiting to see if he will marry her...

p.102 "You can't catch me, Jimmy!"

Laughing, the naked girl ran off and disappeared in the heavy mists.

p.104 From the music of their voices she knew they were splashing water in a stream and lying naked on the grassy banks beside the water.

p.109 (a poem) We Real Cool  
We real cool. We.

Left school. We

Lurk late. We

Strike straight. We

Sing sin. We

Thin gin. We

Jazz June. We

Die soon.

p.121 "Jesus God in heaven!"

p.152 A few of the younger teachers at school smoke marijuana themselves.

p.212 "You'd go off with a nigger for a packet of chocolate,"

p.246 "And this time pray Catholic. I don't know nothing 'bout Baptist, and don't want know nothing 'bout him.

p.294 "She would of been a good woman," The Misfit said, "if it had been somebody there to shoot her every minute of her life."

p.77 "No crap....Goddam it to hell," Lil' Buddy said then, "why don't it come on?"  
"Son of a bitch," I said.

These accounts are just a few of the many which can be found in the contents of these new literature books. We encourage you to have your child bring his or her literature book home, so you yourself can read them. They are available at the high school office upon request. There will be notice of a public meeting on this matter, we hope you will attend. A petition has been drawn up and will be circulated.

Thank you.

The Concerned People of Meagher County for Better Education

OBJECTIONS TO SENATE BILL 253

Almost 40 new schools  
in Mont.

1. It is unconstitutional

- a. William Bell - ACSI constitutional lawyer  
p. 5, 11-13

Ex. # 30  
FEB. 2, '83

b. Attorney General - speaking of review programs by the Board of Public Education concerning private institutions ... "this review may not post teacher certification requirements upon teachers, librarians, and guidance counselors."

2. It is too vague and open-ended - giving Board power

- a. The parents verification of school's compliance.  
serious burden on parent  
50-100 parents - each must file  
One parent says one thing - another something else.

- b. Instruction equivalent to board's program.

Equivalent in what way?

quality ?  
subject matter ?  
student performance ?  
curriculum ?  
length of the course?

too vague & therefore unconstitutional

- c. Qualifications of Administrators and Teachers

1. "written contract" - none of states business
2. "evidence of acceptable experience" - who passes judgement on the evidence or what is acceptable?
3. "clearly identified criteria" - who's criteria?
4. This whole section - weak & vague - leaves broad provisions.

- d. Student Records

1. "measurement of achievement" - what kind of measurement

Pastor Jim Hearing - Principal Billings Christian School

- From William Bentley Ball*
3. Gives enormous latitude & power to the Board of Education

By a parent's statement and/or on any various criteria because of the vagueness and openendedness of this bill; the state board has the power to reject a school's compliance with criteria.

4. The Board of Public Education not qualified to judge & regulate our private schools.
- a. approximately 64 million Americans functionally illiterate -- 300,000 who come out of our American high schools each year.
  - b. Mrs. Bower (ex-Yellowstone County Superintendent) said she did not have time to check up on and regulate private schools - did not even have time to check up on her own schools.
  - c. Truancy officer - too much to handle already.
  - d. Hundreds of people leave public schools in favor of private & Christian schools & they still pay taxes as well as tuition payments - many dissatisfied with education getting in public schools - with certified teachers.
  - e. Reader's Digest p. 187, 188

"Perhaps the most important lesson of private schools--and one Coleman unfortunately didn't examine--involves teachers. Almost no private schools require teaching certificates; instead, the emphasis is on whether instructors know their subjects and can teach them well. Although pay in private schools is substantially lower, outstanding performance is usually rewarded with merit pay. Teachers who prove to be incompetent can be more readily fired, or simply not rehired.

Compare this with public schools, where only people with proper credentials can teach, and where teachers are paid, without regard to ability, according to seniority, advancement and the possession of academic degrees. This system protect incompetent teachers and demoralizes excellent ones.

- f. This will only be further overload to a school board who can't control the schools they should be responsible for.
5. This bill would give the Board of Education the legal right to literally administrate the program of our church as well as our school. This seems to be a direct violation of separation of Church and state.

SUMMARY

I, too, am concerned about educational abuse of some parents who hide behind the guise of home and private education. But, we cannot allow this to take away our freedom. I am willing to help come to some solution on this issue, but I am also ready and willing to do whatever is necessary to uphold the freedom we have under the Constitution of the United States and to pastor the people of the church to which God has called me.

ACSI

Our attorney - constitutional lawyer  
has a legal opinion forthcoming  
concerning ACSI stand. Could you please  
withhold vote until it comes?

Thank you

Pastor J. Hearing

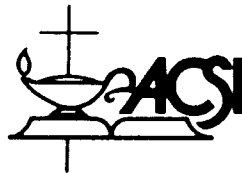
EXHIBIT #30  
FEB. 2, 1983

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# Constitutional Protection of Christian Schools

---

William Bentley Ball



Association of Christian Schools International



Executive Director Paul A. Kienel and Attorney William B. Ball

Mr. Ball is a constitutional lawyer who has been lead counsel in litigations in 20 states and in 19 cases in the Supreme Court of the United States, including the landmark decision in the Amish Case, *Wisconsin v. Yoder and California v. Grace Brethren et al.* He is a member of the bars of New York, Pennsylvania, Supreme Court of the United States; U.S. Court of Appeals, 7th Circuit; U.S. Court of Appeals, 3rd Circuit; U.S. Court of Appeals, 5th Circuit; U.S. Court of Appeals, 9th Circuit; U.S. Court of Appeals for the District of Columbia Circuit.

**Constitutional Protection of Christian Schools**

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EXHIBIT #50  
FEB. 7, 1983

**BILLINGS CHRISTIAN SCHOOL**

1116 Grand Avenue  
Billings, MT 59102  
Phone: (406) 259-8785

February 7, 1983

Mr. Bob Brown  
Senate Education Committee  
Capitol Station  
Helena MT 59620

Dear Mr. Brown:

I was unable to testify at the Senate Education Committee Hearing on Senate Bill #253 last Wednesday, February 2.

I did, however, turn in my report stating that a legal opinion from William Bentley Ball, the attorney for the Association of Christian Schools International, would be forthcoming. Enclosed you will find that opinion.

Thank you.

Sincerely,

*Pastor Jim Hearing*

Pastor Jim Hearing  
Principal/Administrator

JH:km

Enclosure

306  
Feb. 2, 1983

LAW OFFICES  
BALL & SKELLY  
511 N. SECOND STREET  
P.O. BOX 1108  
HARRISBURG, PENNSYLVANIA 17108

WILLIAM BENTLEY BALL  
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RICHARD E. CONNELL  
KATHLEEN A. O'MALLEY  
SANDRA E. WISE

TELEPHONE  
AREA CODE 717  
232-6731

February 2, 1983

Mr. Allen D. Gunderson  
Chairman  
Board of Public Education of  
the State of Montana  
33 South Last Chance Gulch  
Helena, Montana 59620

Senate Bill 253

Dear Mr. Gunderson:

I write you in your capacity as Chairman of the Montana Board of Public Education. You may recall our correspondence about a year ago concerning state regulation of religious schools. I had not responded to your gracious letter of January 22, 1982, but can now state that I appreciated it very much.

The clients whom I presently represent in Montana are the Association of Christian Schools International and a member school of that organization, Billings Christian School. ACSI has excellent schools throughout the USA and abroad, and the leaders of these schools are not of the type who are "agin the government" or given to imaginings that the government is out to get them. However, as non-tax-supported private religious schools, they are most anxious to preserve the liberties which they believe the Constitution guarantees them.

At their request, I have carefully reviewed Senate Bill 253. I must tell you, as a brother attorney, that this bill contains some whopping problems of statutory vagueness and administrative difficulty which, I believe, can hurt my clients - but which can also plague the State. Let me explain.

First, the process, as set up by Section 20-5-102(2), may prove quite difficult to administer. The enrollment of a child is to be verified by either the parent/guardian or the "school authority" (presumably, but not certainly, the private school authority). If the parents do so, two problems result: (a) there may be all manner of different, or conflicting "statements", (b) the parent, in such case, is put to the job of "demonstrating the school's compliance" with the six criteria (including their sub-parts). I do not see how a parent can possibly undertake any such task (e.g., of determining equivalency under Criterion (i)). Who, by the way, is to choose whether the parents or the "school authority" will do the filing? What does "demonstrate" involve? Surely, more than merely averring that each of the six criteria is complied with. But what, then?

Second, Criterion (i) states that the private school must provide instruction "at least equivalent to the program prescribed by the board of education pursuant to 20-7-111 . . . ." "Equivalent" is a very unclear term. We can envision "equivalent" (a) in quality, (b) in hours devoted to a program item, (c) in program item, (d) in content of program, (e) in teachers teaching a program. And who will decide what is "equivalent"? If the County Superintendent, then he is given no standards for determination, and that, I would think, results in an unconstitutional delegation of power. It certainly poses a major First Amendment problem where religious schools are concerned - or indeed any private, non-tax-supported schools. And I see this provision as causing no end of administrative grief.

Third, the provisions of Criteria (iv) and (v) are loaded with problems. At the outset, whether a contract is written, oral, or non-existent is scarcely the State's business. That is emphatically the case where religious schools are involved. They are not, in any way, to be the subject of labor relation provisions of law, as the various NLRB cases so well show.

However, beyond that, is the wording of the option, "or provided evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school." Just to raise a few inevitable

questions reveals the difficulties with which this language is pregnant. What sort of "evidence"? To whom is the educational experience to be "acceptable"? The standard given to measure "acceptable" is too broad for you and too broad for my clients: "according to clearly identified criteria." Whose "criteria"? Who says they are "criteria"? I quite realize the good will of the drafters in trying to give acknowledgement to the "educational goals of the school", and I do not mean to be picky. If it is the Board's real intent simply to say that the private schools may establish their own criteria, that should be flatly stated. But in the case of the Christian schools, a further problem arises: the State is given power to reject the "statement". Included in that is the power to pass upon the question of whether the "criteria" are in fact "consistent with the educational goals of the school." If the goal of my clients' schools is to inculcate Christian doctrine, dare we let the State pass on the question of whether it is accomplishing that job? I think not.

Fourth, Criterion (vi)'s use of the words "measure of achievement" is, I fear, the employment of wide-open wording, with wide-open consequences quite possible. The State can examine the report, and then act as a super-principal and conclude either that the "measure" was unacceptable, the "measurement" inaccurate, or the achievement itself inadequate.

Fifth, subsection (3) simply confers total power on the State to render a school inoperable for compulsory attendance purposes. I won't now, Mr. Gunderson, cite all the cases supporting the proposition that, where First Amendment liberties are involved, government, in regulating, must proceed with "narrow specificity", but that is a point of absolutely basic importance here.

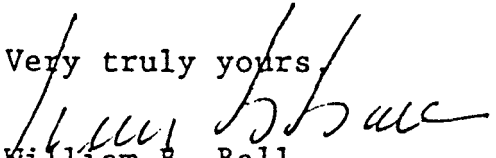
In conclusion, I think Senate Bill 253 is quite bad - absolutely vulnerable constitutionally, but also a can of worms for you people.

Mr. Allen D. Gunderson

- 4 -

I'd like to be of positive help to you if I could be. I'm not trying to be presumptuous in saying that. I believe that a statute protective of the public interest and of educational and religious liberties can be drafted.

Very truly yours,

  
William B. Ball

WBB:dh

cc: Rev. Jim Hearing  
Dr. Paul A. Kienel

NAME: Glenn R. Lindsey DATE: 2/2/83

DATE: 2/2/83

ADDRESS: Box 478 Valier Mt 59468

PHONE: 279-3229

REPRESENTING WHOM? Grace Gospel Church

APPEARING ON WHICH PROPOSAL: AB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ☒

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit T 31  
Feb. 2, 1983

Grace Gospel  
A New Testament Church

Glenn Lindsey  
~~XXXXXX~~ - Pastor  
~~XXXXXX~~ 279-3208

Box 478  
Valier, Mt. 59486



February 2, 1983

Senate Education Committee  
State Capitol  
Helena, MT 59620

Dear Chairman and Members of the Senate Education Committee:

I wish to submit the following testimony in response to the proposed Senate Bill 253.

As a born-again follower of Jesus Christ and a minister of God's Word, I must stand as being unequivocally opposed to this proposed legislation for spiritual, legal and practical reasons. Some of which are:

1. This legislation proposes to bring under the authority of the Board of Public Education and the Office of Public Instruction the God-mandated right of every Christian the responsibility to teach their children in a manner consistent with the principles of God's Word (Duet. 6:7).

Colossians 2:8 (amp.) says, "See to it that no one carries you off as spoil or makes you yourselves captive by his so-called philosophy and intellectualism, and vain deceit (idle fanics and plain nonsense), following human tradition - men's ideas of the material (rather than the spiritual) world..."

Since education of our children is an integral part of the ministry that God requires of me as a believer in Jesus Christ, I would be placed in direct violation of God's spiritual commands and the 1st amendment privilege our constitution states is guaranteed every citizen of this great country.

2. Certification of the nation's teachers in no way appears to have insured the academic success of our nation's students as school records show student SAT scores have declined 19 out of the last 20 years. Yet in the last two decades there has been nearly a six-fold increase in expenditures for public education.

3. Certification of teachers has apparently not guaranteed quality in the ranks of professional teachers as attested to by numerous studies done around the school districts of the nation. For example, Lemon Grove, California, School District

.....

Senate Education Committee  
Page 2  
February 2, 1983

gave a "basic skills" test aimed at eighth-grade levels to certified prospective teachers...35% flunked one or more parts.

In conclusion, I would like to say that this state provides, as a legitimate choice, public education. I have no qualms with the state providing such. But please note that the church has a greater right to provide and exercise its God-granted responsibility to educate its children and the state should therefore abstain from seeking to exercise control with this unnecessary and unconstitutional legislation.

Respectfully yours,

A handwritten signature in cursive script, reading "Glenn R. Lindsey".

Pastor Glenn R. Lindsey

Exhibit #32  
Feb. 7, 1983

NAME: BILL KOERNER

DATE: 2 FEB 83

ADDRESS: 2505 N HWY 93 HAMILTON, MONTANA 59840

PHONE: 961-4544

REPRESENTING WHOM? INDEPENDENT AMERICANS

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: THE AMERICAN PUBLIC HAS FOR YEARS PRESSED FOR  
REDUCED SPENDING, TAXES & CONTROLS OF BIG GOVERNMENT  
AND YET THIS BILL PRESSED TO DO JUST THE OPPOSITE, PRIVATE  
SCHOOLS ARE A WELCOME ALTERNATIVE TO THE FAILING PUBLIC  
SUPPORTED GOVERNMENT CONTROLLED SCHOOLS, WHAT COULD  
POSSIBLY BE THE PURPOSE OF THIS BILL OTHER THAN PEOPLE  
CONTROL A PHILOSOPHY OF THE SOCIALISTIC COUNTRIES, THE  
CHILDREN OF THIS NATION ARE NOT THE WARDS OF THE  
STATE THEY ARE AND EVER SHALL BE THE RESPONSIBILITY  
OF THE PARENTS AND THE PARENTS MUST HAVE THE PREROGATIVE  
TO EDUCATE THEIR OWN FLESH & BLOOD IN ACCORDANCE  
WITH THE DICTATES OF THEIR OWN CONSCIENCE FOR THIS  
MILLIONS HAVE DIED INCLUDING JOHN SINGER OF UTAH AND  
FOR THIS MILLIONS OF OTHERS ARE ALSO WILLING TO DIE  
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.  
RATHER THAN SUBMIT.

INSURRECTION IS RAMPANT ACROSS OUR COUNTRY, RIOTS  
IN MIAMI, VIOLENCE IN THE TRUCKING INDUSTRY, MURDER  
OF MANY GOVERNMENT AGENTS IS BECOMING COMMON PLACE,  
THIS BILL WILL ADD TO THE SPIRIT OF REBELLION  
& REVOLUTION ALREADY SO PREVALENT TODAY.

WHY SHOULD THE BOARD OF EDUCATION HAVE  
APPELLATE POWER, ISN'T THAT A VIOLATION OF  
THE SEPARATION OF POWERS GUARANTEED IN THE  
U.S. CONSTITUTION BOARD OF EDUCATION IS  
PART OF THE EXECUTIVE BRANCH AND APPEAL  
POWER RESTS WITH THE JUDICIAL BRANCH, DO  
YOU REALLY THINK THAT THOSE WHO ADMINISTER  
OR MAKE THE LAW CAN HONESTLY JUDGE ANY  
APPEALS?

YOU ALL KNOW THAT THEY CAN NOT  
THAT'S WHY THE FOUNDING FATHERS SEPARATED  
THESE POWERS

Bill Roemer

33  
Feb. 7, 1983  
February 1, 1983

Honorable Senators:

My opposition to SB253 is based, first of all, on my realization of my parental responsibility. I believe strongly that children should be educated properly. I believe it is the parent's responsibility to train them. It is not an option, it is a command from God. Yet the bill before us today does an injustice to the principle of parental responsibility over children. This bill will make the state the highest protector with the parents answering to the state. You may have an interest in our children, you may have the right to check out abuses and correct them, but you do not have the right to make each parent answerable to you, only because we choose not to send our children to your publicly funded schools.

My opposition to SB253 is based, secondly, on my love for God and His Word. God commands me to train up my children in the right way. So if I send my child to a school where he learns principles contrary to God's Word, I am responsible to God for my actions. Proverbs 19:27 says: "Cease my son, to hear the instruction that causeth to err from the words of knowledge." If my children are taught evolution rather than Biblical creationism, if they are taught situation ethics rather than Biblical standards, if they are taught the innate goodness of man rather than God's love for a fallen man--I am violating God's Word. The point I make is this. The education of my children is a spiritual responsibility. It is an exercise of my "religious" convictions. No local, state, or federal government has the right to tell me how I may serve my God. John Bunyan, the author of Pilgrim's Progress, refused to get governmental approval for his ministry. We, too, refuse to get governmental approval to practice our faith.

My opposition is also based on my love for this country. I love our land, its freedom, its opportunities, its accomplishments. The United States has been blessed. We have been a leader of almost every just cause the world has ever championed. America's love for God and her will to be free has made her great. Yet, SB253 is another attempt to take away the concept of individual achievement. Little by little, America is losing her greatness as she succumbs to the false security of letting "big brother"; or "Uncle Sam," or the "Great Father in Washington" or some other "relative" take care of all her problems. But big government with all her regulations has never made anything that great after all. Certainly

in the area of education with more and more government control, the achievement scores have not increased, rather they have plummeted to all time lows. Your standards, imposed on our schools, will not insure quality education, just as they did not insure quality in your schools, and just like government approval did not avert the "Jim Jones" disaster. Surely this not the answer. We are willing to submit our children to achievement tests (as ours our even now) to prove their educational advancement, if you, too, will submit children in public schools, also. This country guarantees religious freedom and the "free exercise thereof." I love this land and our constitution. Yet SB 253 is contrary to this basic freedom.

Finally, my opposition to SB253 is based on my love for my children. First the government said our children could not pray in the schools, then they said they could not read their Bibles in school. Then they said the teachers could not talk about their Christian faith. Then they told us we could not hold Bible clubs on school grounds. Little by little the Bible, God, and His principles have been barred from the classroom. If that is not bad enough , the public schools have taught principles and concepts which are Godless and immoral. Finally we saw not other choice, than to start our own schools. They are not huge; they are not fancy. But they teach reading, 'riting, and 'rithmetic. They instill values, principles, and hope in children's hearts. They work. They worked before this bill was proposed. They will work after this bill is debated and disposed of. Please, leave us alone. You are welcome to visit our schools and to copy our methods, but we ask to be exempt from your regulations. We ask only to be left alone.

Respectfully submitted,

*Joy Paul Schwenke*  
Joy Paul Schwenke

Sidney, MT

Yuma - 27  
Feb. 3/1983

NAME: Raymond Gerber DATE: 2-2-83

ADDRESS: P.O. Box 44 Pinesdale, Mt.

PHONE: 961-3732

REPRESENTING WHOM? Pines High Ravalli County

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENTS:           

I feel SB 253 interferes greatly with  
the purpose that private schools have for being  
in existence.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Spencer  
Feb. 2, 1983 (

NAME: Mrs. Virginia Baker DATE: Feb. 2, 1983

ADDRESS: Rt. 1 Fairfield, MT 59436

PHONE: 467-3135

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENTS: \_\_\_\_\_

Home school interests.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

You ask me why I teach my children at home with Christian textbooks and Christian values?

Well, now, that's a good question. I know what you're thinking. The public schools have better facilities and trained teachers, and there may be some private school nearby. So why all this fuss and bother of setting up a separate school in my home? Why not teach the children religion only at home and in church?

But, you see, you've asked me something that gets right to the core of the meaning of life. If a home-located alternative learning arrangement meant simply tacking on a prayer each day, or an extra course in Bible study, it wouldn't be worth all the time and expense.

I teach my children at home because I believe that all of life is religious. God is at the center of everything. He made all things, He guides and controls them, and He demands that we, His creatures, honor Him as Lord and Savior in everything we do.

Of course that includes our studying, as well as our everyday work. It includes every part of life, without exception. It means that I can't be satisfied with submitting my children to Christian training at home and church only. As a parent, I'm responsible for those thirty or more important hours that they spend each week in school. Some of the most significant training of my children takes place in the school atmosphere. How can I leave God out of the picture here?

But, you say, what's the difference if my child studies arithmetic, history, literature or English in a public school or in a home school?

Much. I want my child to learn, from his parents, that all of life belongs to God and was made for Him.

—In science, I want him to know that he is studying God's laws for the universe and God's concept of origins. Honest scientific research does not teach theory for fact but supports God's word and a young earth.

—In history, I want him to see the unfolding of God's plan for the ages and the redemption of His people in a world which is totally meaningful and in which every event moves in terms of God's purpose.

—In arithmetic and mathematics, I want him to learn that there are absolute truths, and that mathematics is a cumulative development beginning with a strong foundation of arithmetic that is a part of the whole of knowledge. By developing his capacity to do critical thinking and logical reasoning through concrete mathematical problems, he will acquire confidence in his own powers of understanding this physical world.

—In literature, I want him to test other writers by Christian standards so that he will appreciate what is good and true and beautiful, and discern what is false or dishonoring to God.

—In reading, I want him to learn the phonetic principles of our language in a systematic, sequential manner. Our language is made up of letters that represent sounds, and it is absolutely imperative that beginning reading starts with phonics.

—In English, I want him to know the history behind our mother tongue and the precise grammatical structuring of our language.

—In civics, I want him to know that true government is ordained of God and that great political movements have powerful religious inclinations.

—In economics, I want him to learn Christian moral standards in the marketplace, placing emphasis upon the individual. I want him to learn the principles of

honesty, decency, co-operation and fair play because these are rules that God has set up for the ordering of our lives together.

All this is a big order. It can't be accomplished in fifteen or thirty minutes a day. It takes everything we've got to instill in the hearts of our children that true fear of the Lord which is "the beginning of all wisdom."

Moses said it thousands of years ago. He told the people of Israel then how to bring up their children. This is how he said it:

"Therefore shall ye lay up these my words in your heart and in your soul, and bind them for a sign upon your hand, that they may be as frontlets between your eyes.

"And ye shall teach them your children, speaking of them when thou sittest in thine house, and when thou walkest by the way, when thou liest down, and when thou risest up.

"And thou shalt write them upon the door posts of thine house, and upon thy gates."

Jeremiah said: "Learn not the way of the heathen."

And Paul told the Ephesians: "Grow up into Him in all things . . . Walk not as other Gentiles walk . . . being alienated from the life of God through the ignorance that is in them . . . Neither give place [opportunity] to the devil . . . and have no fellowship with the unfruitful works of darkness . . . Understand what the will of the Lord is."

This means Christian education—in all of life.

This means training for eternity.

Expensive? Yes, of course, in both time and money. We pay our full share of taxes for the public schools, and we support our own school in addition to this.

But we count it a privilege to have this wonderful opportunity, in a land of freedom, to dedicate ourselves and our children entirely to God.

Would you like to know more about home schooling, if it is possible under the laws in your state, how to order textbooks, and a host of other information? You are invited to write me, and ask for:

#### TEACHING YOUR CHILDREN AT HOME

This book is for those parents who have already decided to teach their own children and don't know where or how to begin. It is packed with information and resources for material and textbooks to help parents set up their own home school.

Almost half the book answers the question, "Is it legal?" and contains an analysis of the compulsory attendance statutes of all the states and the alternative learning arrangements that avoid violation of those basic statutory requirements. Constitutional law is discussed thoroughly, detailing court decisions that have guaranteed certain fundamental rights to parents especially under the Ninth and Fourteenth Amendments. Sources are given for legal aid.

The author, who has taught her own children in all grades for over nine years, gives her grade-by-grade curriculum with specific textbooks listed and instructions on how to order them with the appropriate teacher's manuals and tests.

There is information on how to teach beginning reading with no prior experience for the parent, with sources for phonics books, elementary reading materials, and phonics records.

She discusses setting up a weekly schedule and how to arrange the day; where to place the "schoolroom"

and how to place your child at his correct grade level. One section lists books and periodicals about education and setting up the school as a business.

A sample high school transcript is given, along with information on how the home-schooled pupil can enter college. Two of the author's children are currently in college, one a sophomore majoring in accounting and music, the other a senior majoring in science with a goal of veterinary medicine.

Please order TEACHING YOUR CHILDREN AT HOME from:

Virginia Birt Baker  
Route 1, Box 25  
Fairfield, MT 59436

The book is \$7.00, plus \$1.75 postage and handling for up to two books. Graduated discount prices for orders of three or more books.

Exhibit #35  
Feb. 7, 1983

# You Ask Me Why



# Teaching Your Children at Home



by  
Virginia E. Baker

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| Where to put your "classroom" and the need for one.                                                                                                                                                                           |      |
| <b>EXTRACURRICULAR</b>                                                                                                                                                                                                        |      |
| I. Books About Education . . . . .                                                                                                                                                                                            | 37   |
| For the parent who wants to read deeper into the subject of "education."                                                                                                                                                      |      |
| II. Periodicals and Organizations . . . . .                                                                                                                                                                                   | 38   |
| For the parent who wants to keep up with what's going on in education.                                                                                                                                                        |      |
| III. Setting Up the School As a Business . . . . .                                                                                                                                                                            | 39   |
| Recommended procedures; incorporating, if you wish; recommended correspondence course.                                                                                                                                        |      |
| IV. Discipline . . . . .                                                                                                                                                                                                      | 40   |
| Yes, it improves!                                                                                                                                                                                                             |      |
| V. What About College? . . . . .                                                                                                                                                                                              | 40   |
| VI. Sample High School Transcript . . . . .                                                                                                                                                                                   | 41   |

NAME: Sharon Sutton DATE: Feb. 2 '83

ADDRESS: Broadview mt.

PHONE: 667-4419

REPRESENTING WHOM? Christian Liberty Academy - Broadview

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT #36  
Feb. 2, 1983

# Sharon Suttons opposition testimony to Senate Bill #253.

Mr. Chairman and Committee Members:

My name is Sharon Sutton - I am from Broadview.  
I am a teacher at the Christian Liberty Academy in  
Broadview.

I am opposed to Senate Bill #253. I believe  
that the health and safety standard that would  
have to be met by private institutions would  
prevent children who are now receiving a credible  
education from continuing simply because of  
where they are being educated. As parents, educators  
and lawmakers we need to concentrate on the  
"what" in private education rather than the  
"where".

My husband and I believe it is our God-given  
responsibility to train our children in obedience  
to God's Word. In order to carry out that task in  
all subjects of education we have enrolled four  
of our five children in the accredited school of  
Christian Liberty Academy in Broadview. The state  
of Montana is presently in the process of prosecuting  
us for truancy. The state has not concerned  
itself with whether or not Jason, Nolan, Portia  
and Chelsea Sutton are being educated - they have  
not even evaluated the curriculum. We are  
being prosecuted for truancy on the grounds of  
"where" the school is and "who" the teacher is.

(over)

To conclude I would like to say that when making guidelines for private education - the education of children is what must be promoted rather than public structures and professional positions.

Thank you

Shaion Sutton  
Broadview  
Montana  
59015

FEB. 21, 1983

WE, THE UNDERSIGNED, OPPOSE THE PROPOSED SCHOOL AMENDMENT TO SECTION 20-5-102 MCA.

IT READS THAT A CHILD BETWEEN THE AGES 7-16 MUST BE ENROLLED IN THE LOCAL PUBLIC SCHOOL OR IN A PRIVATE INSTITUTION THAT 1) IS HOUSED IN A BUILDING WHICH COMPLIES WITH LOCAL HEALTH AND SAFETY STANDARDS.

- |                              |                                  |                             |
|------------------------------|----------------------------------|-----------------------------|
| 1. <u>Sharon Sutton</u>      | 29. <u>John F. Rip</u>           | 57. <u>Faye L. Kaufman</u>  |
| 2. <u>Arthur Keintz</u>      | 30. <u>Crystal Sutton</u>        | 58. <u>Y. H. H.</u>         |
| 3. <u>Marian Beeman</u>      | 31. <u>Dagle Sutton</u>          | 59. <u>Charles E. Smith</u> |
| 4. <u>Daryl Beeman</u>       | 32. <u>Chanda Mill</u>           | 60. <u>Kary Buckingham</u>  |
| 5. <u>Donald Roessner</u>    | 33. <u>Marianne Peterson</u>     | 61. <u>Paul A. Brent</u>    |
| 6. <u>Holly Roessner</u>     | 34. <u>Ben Peterson</u>          | 62. <u>Jessie Killey</u>    |
| 7. <u>Faye Badgett</u>       | 35. <u>Margaret Schuman</u>      | 64. <u>Lina Hattkamp</u>    |
| 8. <u>Wm. J. Pedersen</u>    | 36. <u>Richard T. Trees</u>      | 65. <u>Rodney Hattkamp</u>  |
| 9. <u>Rich Pedersen</u>      | 37. <u>Peggy Lundt</u>           | 66. <u>Leban Mattson</u>    |
| 10. <u>Pam Roessner</u>      | 38. <u>Kimberly A. Fulton</u>    | 67. <u>Dean Lake</u>        |
| 11. <u>Paul Anderson</u>     | 39. <u>Mark G. Fulton</u>        | 68. <u>Vicky Locke</u>      |
| 12. <u>Thonda Medina</u>     | 40. <u>Carol Daugherty</u>       | 69. <u>Steve Bales</u>      |
| 13. <u>Vivian Medina</u>     | 41. <u>Blain Daugherty</u>       | 70. <u>Greg T. Dixon</u>    |
| 14. <u>Due Bateman</u>       | 42. <u>Ervin J. Hanks</u>        | 71. _____                   |
| 15. <u>Karen Tucker</u>      | 43. <u>Stewart Lloyd</u>         | 72. _____                   |
| 16. <u>Elton Lee</u>         | 44. <u>Marsda Lloyd</u>          | 73. _____                   |
| 17. <u>Burlina Lee</u>       | 45. <u>Joe Kempf</u>             | 74. _____                   |
| 18. <u>Jean Supaick</u>      | 46. <u>Lois Krumm</u>            | 75. _____                   |
| 19. <u>Linda D. Taw</u>      | 47. <u>Marilyn Trunkle</u>       | 76. _____                   |
| 20. <u>Gary Taw</u>          | 48. <u>Edna B. Bock</u>          | 77. _____                   |
| 21. <u>Judy Bicknell</u>     | 49. <u>John Bicknell</u>         | 78. _____                   |
| 22. <u>Rich A. Nelson</u>    | 50. <u>Rich A. Nelson</u>        | 79. _____                   |
| 23. <u>Sharon Kay Nelson</u> | 51. <u>David A. Scammon</u>      | 80. _____                   |
| 24. <u>Harold E. Nelson</u>  | 52. <u>Lila Brown</u>            | 81. _____                   |
| 25. <u>Alice Nelson</u>      | 53. <u>Chris Kramme</u>          | 82. _____                   |
| 26. <u>Harold Keintz</u>     | 54. <u>Phil Larson</u>           | 83. _____                   |
| 27. <u>Eric Keintz</u>       | 55. <u>Bonnie Larson</u>         | 84. _____                   |
| 28. <u>Paul J. Sutton</u>    | 56. <u>Wallace C. Buckingham</u> | 85. _____                   |

DATE: 2/2/83

PHONE: 821-3680

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT #51  
Feb. 2, 1983

NAME:

Marilyn L. Fulton

DATE:

Feb. 2, 1983

ADDRESS:

P.O. Box 506

PHONE:

821-3680

REPRESENTING WHOM?

Darby Baptist Church

APPEARING ON WHICH PROPOSAL:

SB-253

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit # 37  
Feb. 2, 1983

# TESTIMONY

TO: Senate Education Committee/SB 253

BY: Pastor Justin L. Fulton, Darby Baptist Temple

Darby, MT

DATE: February 2, 1983

In the midst of a controversy which has been characterized by much reasoning and rationalization, it is of utmost importance that decisions be based upon principle. It is as evident in this case as in most others that evil always has many "good" reasons for existing. Reason without the proper foundational principles is as a house built upon sand. No institution, be it home, church, or government can stand for long upon the sands of reason.

First, all authorities must understand that it is God who has established government. Dan. 4:17,32 states, "...that the most High ruleth in the kingdom of men, and giveth it to whomsoever he will." This is true regardless of their personal morals or religious convictions, for verse 17 states, "...and setteth up over it the basest of men." It is God, therefore, who has ordained the powers that be. Rom. 3:2. According to this passage, all are to be subject to the higher powers. Colossians 1:15-19 speaks of Jesus Christ and the preeminence He holds: "Who(Jesus) is the image of the invisible God, the first born of every creature: For by him were all things created, that are in heaven, and that are in earth, visible and invisible, whether they be thrones or dominions, or principalities, or powers: all things were created by him, and for him: And he is before all things and by him all things consist. And he is the head of the body, the church: who is the beginning, the firstborn from the dead; that in all things he might have the preeminence. For it pleased the Father that in him should all fulness dwell;" Please note his preeminence includes "thrones, dominions, principalities or powers." He is the creator and sustainer of all things. He is the Head of the institution of the local church which has outlasted all governments. Philipians 2:9-11 speaks of Christ as being "highly exalted." Unquestionably, Christ is the Highest Power over all governments, families, churches, and individuals.

Governments responsibility to God is clearly expressed in Rom.13:2-4. The powers are to be consistent with the "ordinance of God." They are to be the "minister of God." Their purpose is to be a "terror to evil", "a revenger to execute wrath upon him that doeth evil." The purpose of subjection to the higher powers, therefore, is two-fold: 1) to bring wrath upon evil (evil by God's definition)-

clearly church education does not fit God's definition of evil; 2) to have a clear conscience void of rebellion against God's authority. No Christ honoring local church can with clear conscience subject its educational and training program to the dictates and standards (authority) of government, when God has clearly stated that Christ is the Head. When there arises a conflict, because of humanistic men who ignore or usurp God's sovereign position by dictating the teaching and training, curriculum and staff of churches and families, we must say with the Apostle Peter, "We ought to obey God rather than men." Acts 5:29. SB-253 is an extreme example of this type of usurpation.

As to the responsibility of this committee to this bill (SB-253), the evils you are to be a "terror" to are innumerable in Rom. 13:9-10. "Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbour as thyself. Love worketh no ill to his neighbour: therefore, love is the fulfilling of the law." SB-253 violates two of these commands. For men to seek to usurp the supreme authority of Christ over a church by certifying the staff and prescribing its curriculum; to usurp the privileges, responsibilities, and authority of parents for the training of their children in a godly manner by assuming "state parentage"; to desire my children because of the dollars they are worth to the public school system, is the height of coveteousness. The citizens of Montana should fully expect that you will protect us from this tyranny. No respectable man and certainly no God fearing parent would consider it loving for his neighbour to dictate how he should train his children, and, therefore, relinquish his parentage to the neighbour. Neither would we call it love if our neighbour began to assume "parentage" of our children and began to demand control of their minds. For two reasons, therefore, SB-253 conflicts with the moral responsibilities of government and should be voted against.

Feb 7, 1983

NAME: Naome Powell DATE: 2-1-83

ADDRESS: 559 Willow Creek Rd. Corvallis

PHONE: 961-4387

REPRESENTING WHOM? Pines High

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT?        AMEND?        OPPOSE?   L  

COMMENTS: There has appeared in some articles,  
issues that would if would bring bad  
effects up on our children. if the bill  
goes through it would take a few minutes  
to relay some of these incidents before  
the committee this day.

This land should be a land of freedom  
we want to keep it that way  
we please vote against S Bill 253

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit # 39  
Feb. 21, 1983

NAME: ERIK C. BERG

DATE: 2-2-83

ADDRESS: BUNKHOUSE ROAD DARTY, MT. 59829

PHONE: (406) 821-3651

REPRESENTING WHOM?

DARTY BAPTIST TEMPLE

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS: PLS. SEE ATTACHED STATEMENT.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #31  
Feb. 2, 1983

2/2/83

TESTIMONY

TO: the Senate Committee on Education

CONCERNING: Senate Bill No. 253

BY: Erik C. Berg  
Darby, Montana

INTRODUCTION

I appreciate this opportunity to present my views to the Montana State Senate Committee on Education. My purpose in being here today is twofold:

1. to explain my convictions regarding the authority and responsibility of parents, and specifically of fathers, in education and
2. to urge you to oppose SB #253, an instrument that would allow the State to wrest authority from parents.

I am a father of three boys, two of whom attend Darby Baptist Temple church school.

FATHERS' RESPONSIBILITY AND AUTHORITY FOR THEIR CHILDREN'S EDUCATION IS GIVEN BY GOD

Fathers have been given clear direction and authority in the Word of God to train their children.

Deuteronomy 6:1-2 Now these are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it: That thou mightest fear the Lord thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son's son, all the days of thy life; and that thy days may be prolonged.

Deuteronomy 6:6-9 And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates.

Proverbs 22:6 Train up a child in the way he should go: and when he is old, he will not depart from it.

Nowhere does the Bible give the State authority to educate children. This responsibility is given solely to parents. The word "train" in Proverbs 22:6 means to train in the sense of a continual process--never ending. At no time then, am I free to relinquish my responsibilities

for my children's education. I can not hand the training responsibilities over to somebody else at a "convenient age" of, say, six or seven years old. This task remains mine for life. SB #253 seeks to take this God-given responsibility from fathers like me.

The root of the word "train" means "to narrow." This means that it is my responsibility to show my children the narrow, biblical path that they are to walk. The public school system presents a broad, humanistic path that runs contrary to the Word of God.

Ephesians 6:4 commands that I bring my children up "in the nurture and admonition of the Lord." The word nurture means "disciplinary correction or chastening." I must, then, be free to discipline and instruct my children as I see fit based on Biblical admonition. SB #253 would take these rights away from me, since the intent of the bill is to vest the State Superintendent of Public Instruction with the authority to determine who is exempt from compulsory public school attendance. Curriculum would be subject to State approval, not God's approval, and so I could not be free to exercise my command to bring my children up in the nurture and admonition of the Lord.

#### PARENTAL RESPONSIBILITY IS SUSTAINED BY THE U. S. CONSTITUTION

Amendment I of the U. S. Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . ." My children's Monday through Friday school is just as important and Bible-oriented as is our Sunday School. Freedom of religion is a constitutional right that does not turn on and off, with the day of the week, like a water faucet of convenience.

If the State controls our Monday school, the next step is control over the Sunday School. Interference with any church or parental ministry is clearly in conflict with the freedom of religion granted in the First Amendment.

The Fourteenth Amendment of the Constitution states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This clearly implies that freedom of religion sustained by the federal government shall not be infringed upon by the States.

#### THE MAIN ISSUE IS AUTHORITY

I could expound on a variety of reasons why SB #253 should be defeated. However, I believe the main issue here is one of authority.

As I have attempted to point out previously, SB #253 seeks to usurp God-given authority from parents and transfer it to the State. We must first decide what is Biblically and fundamentally right, then tailor our laws and actions to fit these foundational truths. Expediency is no excuse for violating God's Law.

I respectfully urge you to reject Senate Bill No. 253, in its entirety, thereby leaving the education of children up to God and parents.

3738  
Feb. 7, 1983

NAME: Wilamena Berg DATE: Feb 2, 1983

ADDRESS: Bunkhouse Rd. Darby, Mt. 59829

PHONE: (406) 821-3651

REPRESENTING WHOM? Darby Baptist Temple

APPEARING ON WHICH PROPOSAL: Senate Bill #253

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

Please forgive the sloppiness of this written comment.

COMMENTS: I ~~was~~ attended public schools through

high school and ~~attended~~ graduated from the University of Idaho with  
a Bachelor of Science in Elementary Education  
and Special Education. At one point in time,  
just following graduation, I held teacher  
certification in both Idaho and Montana.

I do not hold teacher certification now and  
do not desire to or feel that teacher certification,  
or a program leading to certification, enabled  
me ~~with~~ to become a better teacher. Teachers  
purpose is to train children to live with  
respect for authority as well as to impart  
knowledge of life. The training I received in

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

public schools and the university did not equip  
me to ~~perform~~ these purposes! Teaching is  
a gift from God ( ) and training  
to impart life unto children (and adults) can  
be found in the Bible, the Word of God (the  
author of life) and not in ~~these~~ public institutions

Exhibit "31"  
Feb. 7, 1983

February 2, 1983

# TESTIMONY

TO: Senate Committee on Education

CONCERNING: Senate Bill No. 253

BY: Wilamena Berg  
Darby, Montana

With regard to SB #253, it sorely grieves my heart that it does not in any way take into consideration what God says in His Word about the responsibilities of government, parents and children in the area of instruction. After all, God created all things for His pleasure (Revelation 4:11, Colossians 1:16-19) and established the institutions of family, church and government; therefore, He expressly tells us how they are to operate, in His Word, in order to glorify Him. You have testimony concerning parental and governmental responsibilities and rights; so, I wish to speak on behalf of my children concerning their responsibilities and rights.

Throughout the Bible we can find many passages concerning the instruction of children. In fact, the book of Proverbs is devoted to the instruction of children, in particular a father to his son. In the first chapter of Proverbs we see the purpose of the book:

To know wisdom and instruction; to perceive the words of understanding; to receive the instruction of wisdom, justice, and judgment, and equity; to give subtilty to the simple, to the young man knowledge and discretion.... The fear of the Lord is the beginning of knowledge.... (Proverbs 1:2-4, 7)

In essence the Bible instructs us concerning children's responsibilities and rights in instruction.

Children's rights, according to God's Word, are:

1. to have parents who love them and correct them with both the rod and reproof in order to bring about wisdom (Proverbs 3:12, 29:15; Hebrews 12:3-11)
2. to have parents who bring them up in the nurture and admonition of the Lord (Ephesians 6:4)
3. to have parents who train them in the way they should go; so that when they are old, they will not depart from that way (Proverbs 22:6)
4. to have parents who teach by speech and example God's commandments, as found in His Word, diligently, consistently, at all times and in every place (Deuteronomy 11:18-21) (This would not be possible with SB #253.)

Therefore shall ye lay up these my words in your heart and in your soul, and bind them for a sign upon your hand, that they may be as frontlets between your eyes. And ye shall teach them your children, speaking of them when thou sittest in thine house, and when thou walkest by the way, when thou liest down, and when thou risest up. And thou shalt write them upon the door posts of thine house, and upon thy gates: that your days may be multiplied, and the days of your children. . .

Please notice that these passages of scripture are directed to parents, not to persons "interested" in the welfare of children in general. God has commanded parents in the area of training their own children and parents, whether Christian or not, are accountable to only God for the training, or lack of training, of their children. SB #253 prohibits the free exercise of this God-given responsibility.

God is explicit about children's responsibilities:

Children obey your parents in all things; for this is well pleasing unto the Lord. (Colossians 3:20)

Proverbs 6:20-23 expresses children's responsibilities in accordance to parental teaching:

My son, keep thy father's commandment, and forsake not the law of thy mother: bind them continually upon thine heart, and tie them about thy neck. When thou goest, it shall lead thee; when thou sleepest, it shall keep thee; and when thou awakest, it shall talk with thee. For the commandment is a lamp; and the law is light; and reproofs of instruction are the way of life.

Children will answer to God concerning their behavior and attitude toward their parents and the instruction their parents have provided for them.

Senate Bill #253 will not allow my children to receive God-honoring, God-fearing, Bible-based instruction to which they have a right. By not allowing my children to receive the type of instruction adherent to the Word of God, you tamper with their preparation to meet the Lord God of the universe! Therefore, to protect my children's rights, which are my God-given responsibilities as a parent, I urge you to not even consider Senate Bill #253 in any form.

James "40"  
Feb. 7, 1983

NAME:

LEE BARROWS

DATE:

FEB 2, 83

ADDRESS:

622 CAROL DRIVE Greent Hills

PHONE:

(406) 453-7700

REPRESENTING WHOM?

CORNERSTONE CHRISTIAN COMMUNITY

APPEARING ON WHICH PROPOSAL:

SB 253

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

XXX

COMMENTS:

(SEE ATTACHED STATEMENT).

SB 253 IS AN EXAMPLE OF COMPLETELY  
OVER REACTING TO AN ERRONEOUS CAUSE.

WE CANNOT AFFORD TO SELL OUR SOUL TO  
GOVERNMENT CONTROL IN THE AREAS OF PARENTAL  
RESPONSIBILITY / RIGHTS AND CHURCH SCHOOLS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #41  
Feb. 7, 1983

NAME: PASTOR DONALD P. KELLEY

DATE: FEB. 2, 1983

ADDRESS: P.O. Box 7, TOPLEN, MT. 59531

PHONE: 292-3554

REPRESENTING WHOM? The Lord Jesus Christ, Grace Gospel Church, Liberty

APPEARING ON WHICH PROPOSAL: SB253

DO YOU: SUPPORT?            AMEND?            OPPOSE? XXXX

COMMENTS: See supplemental statements.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Excluded 74  
Feb. 7, 1983

Senate Bill 253

Last year, I listened to a public school truancy officer from Billings and a Butte school superintendent tell the State Board of Education that the private school people were not the problem in Montana. They stated that from their experience, the parents of children enrolled in private schools were sacrificing to see that their children obtained the very best in education. The State Board of Education would not listen to them and now we have Senate Bill 253.

In this country, we have seen many benefits derived from our free enterprise system. We have even passed laws prohibiting monopolies so that the public is not controlled by the corporations. We have attempted to safeguard the individual citizen's right to choice. Yet, in the midst of all this freedom comes this insidious bill, Senate Bill 253. This unGodly, unAmerican piece of legislation would effectively give the public school bureaucracy a monopoly over all of the education in Montana. Is private enterprise next?

I have been involved in private education for the last five years. We receive no government money while we pay our taxes which keep the public schools operative. We are not asking for money. We are not asking for help! We are not asking for bureaucratic red tape! We are asking to be left alone to educate our children according to our faith. Is that too much to ask in the land of the free and the home of the brave?

We love our children. We are sacrificing time, energy, and finances to ensure the very best for them. Please don't try to take away our God-given, constitutional rights by passing this subtle control bill. A vote against Senate Bill 253 is a vote for liberty! Thank You.

Pastor Donald P. Kelley  
Box 7  
Joplin, Montana 59531  
292-3554

Donald P. Kelley

EX-100-111  
Feb 21 1983

NAME: Steve Valentine DATE: 2-2-83

ADDRESS: 140 S. 4<sup>th</sup> West

PHONE: 721-7804

REPRESENTING WHOM? Missoula Community Chapel

APPEARING ON WHICH PROPOSAL: S.D. 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

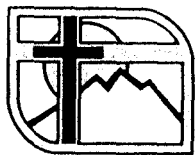
COMMENTS: I have a written ~~request~~ ~~from~~ letter  
to hand in.

Thank you

Steve R. Valentine

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

received  
Feb 2, 1983



# Missoula Community Chapel

140 South 4th West, Missoula, Montana 59801 • Phone (406) 721-7804 • Stephen R. Valentine, Pastor

February 2, 1983

Senate Education Committee  
State Capitol  
Helena, Montana 59620

RE: Senate Bill 253

Senators,

The issue of who is responsible to insure the education of our children has come to the surface with Senate Bill 253. There is governmental concern to control the caliber of education students are receiving. This bill assumes the measuring rod of a good education is in the certification of teachers and facility, when, in fact, the measuring rod should be placed on the product the teachers and school system produces.

Parents are withdrawing their children from state accredited public schools which have state certified teachers. This indicates the certification of administrators and teachers has not produced a quality education satisfactory to the parents.

Parents, not the state, are responsible for their children's education. They should be allowed to send their children to whatever school they would choose, whether the school has certified teachers or not.

I urge you to drop Senate Bill 253 and allow parents the right to secure an education for their children without state interference.

Sincerely,

Stephen R. Valentine

SRV/cmv

Exhibit # 4A

Feb. 21, 1983

NAME: MICHAEL A. MCGOVERN DATE: 2/2/83

ADDRESS: 311 Ben Hogan DR. - Mckinella.

PHONE: 543-5768

REPRESENTING WHOM? FOUR SQUARE GOSPEL CHURCH

APPEARING ON WHICH PROPOSAL: SB-253

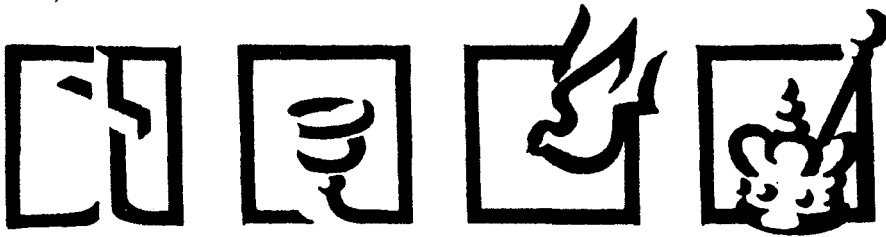
DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS:           

My written comments in opposition  
to Senate Bill 253 were submitted  
to those on the senate hearing.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 7, 1983



601 North Fourth West  
Missoula, Montana 59801  
(406) ~~542-0256~~ 721-6884

## NORTHSIDE CHAPEL FOURSQUARE CHURCH

February 1, 1983

Distinguished Members of the Senate,

My comments to you will be short and to the point because time is precious to all of us, and I know your schedule is undoubtedly very full.

I am a pastor, both of a church and a Christian day school, and would like to add my name to those in sincere opposition to SB-253. The reason for my opposition should be clearly manifest from the fact that there are such schools separated from the public ones.

The Bible-believing Christians agree that the family and the church are the only two agencies given by God to train up children. Nowhere in Scripture does the Bible say that government has a legitimate role in educating the child.

Christ is the Head of the church and families; not the state. SB-253 is an intrusion into the domain of God and is out of "Caesar's" realm.

Further, the Christian school has separated from public schools because it does not believe in the unholy dichotomy that exists in state-operated schools; that being, a division be upheld between the secular and the religious. The Bible demands that Christ be first in all things and that in everything Christians do, Christ is to be exalted. Christian children are not to be secular in education and religious in their church--they are to be religious, holy, and spiritual in every facet of their lives. Public schools, including teachers and curriculum, are simply unacceptable and often abominable to the Christian.

The products of public education based on existing teacher qualification and accreditation standards are sad reminders that humanistic education (which has rejected God for the last two decades) has failed.

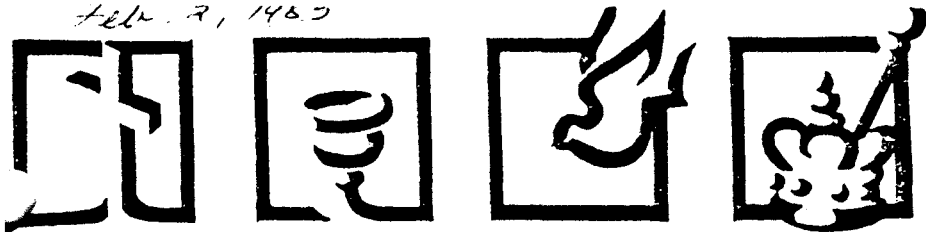
I strongly oppose this bill on religious, moral, Biblical, and constitutional grounds. It is not a healthy piece of legislation; it is seriously disrupting and destructive. I urge you to terminate this bill in committee.

Sincerely in Christ,

Michael A. McGovern  
Pastor

MAM/mjm

Feb. 2, 1983



601 North Fourth West  
Missoula, Montana 59801  
(406) ~~542-0255~~ 721-6884

## NORTHSIDE CHAPEL FOURSQUARE CHURCH

February 1, 1983

Dear Senators,

I am writing in response to Senate Bill 253. I am very strongly opposed to passage of this bill for several reasons.

First of all, the State of Montana should not get into the business of regulating Christian schools. They are ministries of the churches they represent and, thus, regulation would be infringement of religious liberty. If the State of Montana can mandate that only teachers who are certified to teach by the state, can teach in a private Christian school, this means that only those persons who have been indoctrinated into a particular philosophy of education can teach in the state. At that point, you no longer have private schools, but rather all schools in the state have become state schools. You will have infringed upon the religious liberty of parents to decide what type of education is best for their children. Please continue to give us, as parents, the freedom of choice. Only parents have that authority; not the state.

Secondly, simply because a person has gone through the established program and is now "certified" by the state, this does not mean that this person is a good teacher or even has a good grasp of the material being taught. Evidence is not available to indicate that students taught by certified teachers learn more than those taught by non-certified teachers. In fact, the evidence available suggests just the opposite. A study done by C&B McGraw-Hill in September of 1976 which showed that the Accelerated Christian Education program students learned an additional .7 of achievement above the expected one year increase. This was without the use of "certified" teachers or curriculum.

Additionally, many of the private schools do not lend themselves to the traditional methods of education. I reference the A.C.E. program which is a progressive one-room classroom situation.

Instead of regulating private schools, we should test the amount of learning that is taking place through the use of national standardized tests. What a student learns is far more important than what credentials the teacher holds.

Please vote "NO" on Senate Bill 253.

Sincerely,

Kenneth L. Wise, Principal  
Northside Chapel Foursquare Academy

KLW/mjm

Exhibit # 44  
Feb. 21, 1983

NAME: Gregory Ammondson DATE: 2-2-83

ADDRESS: Box 4143 Missoula

PHONE: 543-7617

REPRESENTING WHOM? Round Table of Mt.

APPEARING ON WHICH PROPOSAL: S.B. 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: I have written a short  
letter.

This bill is fingers up on  
religious freedom.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 2, 1983

Feb. 1, 1983

Senators,  
~~George McCallum,~~

Please don't pass Senate Bill 253, or any other such education bill that will give the state strict control of private schools.

Children belong in the care and under the authority of their parents, not the state. People should be able to educate their children in the schools of their choice.

Test scores of private school children must be openly compared with test scores of public school children. Private schools have a good record.

There is no evidence that state-certified teachers are the best qualified to teach children. (I just got out of the university and ~~I know~~ <sup>Common folk is</sup> that UM's education school is one of the most wasteful departments on campus.)

I think teachers' unions are behind this type of bill to control and manipulate what children learn and to keep the money coming to public schools.

In regard to Christian schools, if you pass this bill you will be inviting court cases from those who refuse to bow to the authority of the state when it comes to matters of teaching children. Please don't make Montana another state where the government takes the preachers to court for practicing their beliefs.

Sincerely,

*Gregory Ammondson*

Gregory Ammondson

Box 4143

Missoula, MT

NAME Pastor Walter C. Lacy BILL NO. 253  
ADDRESS 400 7th Ave. Laurel Md. 59044 DATE 2-2-83  
WHOM DO YOU REPRESENT First Baptist Church  
SUPPORT        OPPOSE Yes AMEND         
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS:

We at First Baptist Church feel we  
are doing a good job. Our folk  
felt strongly enough to take their  
children from the Public School  
& place them in our care. So we  
are duty bound to do our best  
to fill their desires.

Thank you for ~~hearing~~ us.  
~~to hear~~

Pastor Walter C. Lacy

Feb 7, 1983

NAME Russell W. Linger BILL NO. 253  
ADDRESS 400 7th Ave Laurel, Montana DATE 2-2-83  
WHOM DO YOU REPRESENT 1st Baptist Church  
SUPPORT        OPPOSE Yes AMEND         
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS:

We feel we are doing a good  
job Equal or better than public school.  
Testing of our Children has been  
average or above that of Public Schools.  
Let's leave freedom of Religion  
of School as it is.

Let the Governeers of both  
family, & ~~State~~ Church & School.

I'm the father of four children  
three have graduated from Y.V.C.S.

Thank you

Russell W. Linger

agreement  
Feb. 21, 1983

NAME: Dean Locke DATE: 2-2-83

ADDRESS: 2605 Minnesota Ave. Billings MT 59101

PHONE: 248-5715

REPRESENTING WHOM? Private people

APPEARING ON WHICH PROPOSAL: S B 253

DO YOU: SUPPORT?        AMEND? ☒ OPPOSE? ☐

COMMENTS: The easier approach to the state's  
responsibility of education for all is in testing  
the end result rather than trying to control  
the environment and the teachers. In testing there  
needs to be room left for slow students. This  
bill doesn't leave the "home school" as an alternative.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

APPROVED  
Feb. 7/1983

NAME: JOHN H. MAIZE DATE: 2-2-83

ADDRESS: P.O. Box 1321

PHONE: ~~363~~ 363-6588

REPRESENTING WHOM? MY SELF

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: SEE ATTACHED TESTAMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 71  
Feb. 7, 1983

Date 1-27-83

Name: John H. Maize  
PO Box 1321  
Hamilton, Mont. 59840

Self-employed welder & machinest

Gentelmen, and Ladies;

Within the past year and a half the great God and Saviour the Lord Jesus Christ has saved me from my sins. And since that time my religion has become not just a time to go to church on Sunday, but has become my life. My religion is now to walk every moment of every day as close to my God as I possibly can, by the light revealed to me in his written word the Holy Scriptures.

Since my religion and life are one and the same, as it should be with every believer in the Lord Jesus Christ, and as it was with our Pilgrim forfathers who signed the Mayflower Compact. The Word of my God clearly tells me that I, especially as the father to bring them up ( my children ) in the nurture and admonition of the Lord. Eph 6:4 Not only my children but my grandchildren also. Deut 4:9 It is a direct command from God, Deut 6:6-9, esp. v# 7 "Thou shalt teach them diligently unto thy children" [ them= the truths of God]. We see also in these verses the teaching is to be our whole life, to talk of the Lord when we sit in our home's, when we walk, when we lie down, when we rise up. Deut 11:19 In Isaiah 28: 9,10 we are told how to teach our children, precept upon precept, line upon line, here a little and there a little. To make known the truths of scripture unto my children Isa 39:19. 2 Tim 3:15 And also a command from God not to learn the way of the heathen. Jer 10:2

The Constution of the United States of America Article # 1  
Number one of the Bill of Rights:

Freedom of religion, speach, of the press, and rightof petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speach, or the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

[ establish = means, the act of establishing, founding, ratifying, or ordaining ]

It is a blessed thing to see the God given wisdom of our for-fathers, in there seeing the need and importance of the freedom

[ see page # 2]

of religion in these United states of America. So much so that it was not the second, or the third, nor the 10th admendment but the first, and that is by all of his commands should be.

But now if this senate bill # 253 is passed, the one sponsored by Pat Regan & Chet Blalock, means that I, with my inability to conform the the requirements, due to being already self-employed and not having the funds to go back to school, <sup>wanting</sup> nor to learn the way of the heathen, would no longer to leagaly freely exercise the commands of my God in my religion.

This is sincerly from my heart.

J. H. Maize

EXHIBIT # 48  
Feb. 7, 1983

NAME: Lyman Dee Jessop

DATE: Feb. 2 '83

ADDRESS: PO Box 13 Pinedale MT 59841

PHONE: 961-3680

REPRESENTING WHOM? Pines Academy - Private Elementary School

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?           

AMEND?           

OPPOSE?   /  

COMMENTS: Parents, not the state, have the ultimate say as to  
the child's education - if the parent chooses not to put them into a public school  
When private schools are not receiving state or federal  
aid there can be no justification as to the state having  
a say in the education of the children.

Private schools have been moral backbone of this nation  
and state; why destroy a good thing.

The quality of education received through private schools  
has always <sup>been</sup> superior to the public ~~public~~ schools.

- The ultimate or bottom line is "What is best for  
the child. Not what is the best for the state"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 2, 1983

NAME: Patty Barnett DATE: Feb 2, 1983

ADDRESS: 407 Dearborn Ave, Missoula MT

PHONE: 549-1376

REPRESENTING WHOM? my self

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: testimony attached.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

original 14 44  
Feb. 2, 1983

Senate Education Committee

Senate Bill No.

Sponsors: Sen. Pat Moran, Sen. Chas. Hays

The bill now being considered before this committee gives stricter requirements before a child may be exempt from state compulsory attendance laws. The advocates of this bill will, undoubtedly, claim that the bill is for the ultimate good of the "children of the state": it will insure a quality education for all, and will ward children from a half-baked school program or abuse. I reject their claim and do sincerely believe that this bill is not for the good of the children, but is aimed specifically at attacking private and home schools, and forcing students in alternative educational programs back into the public education system. At the same time, the Board of Education is both funding, and exercising control in the form of monopolistic control over children. At stake for parents is their natural concern for their own children, and the freedom to raise and educate their children without state and arbitrary governmental control.

I would like to direct my testimony to one specific provision of the bill that requires certification of all teachers in private schools. This requirement is arbitrary--there is nothing to prove that certification makes for a better teacher. Having spent three years attending the University of Montana, two of those years in the Elementary Education program, I believe I can give some testimony as to the worth of many such programs in preparing people to be the educators of our children. And may I say, they are not of much worth at all.

Out of 195 credits required for graduation at the University, the Elementary Education program requires only 30 credits of actual teaching method courses. These 6 method classes comprise only about 10% of all that you have to take in order to be eligible for a teaching certificate. What is a program supposed to teach future-educators if not effective teaching methods? Over all, you are only required to take 11 classes taught by the Education Department. Again, that is less than 1/4 of the credits needed for graduation.

What kind of courses make up the rest of what is specifically required to gain a teaching degree? Let me list just a few:

In the Health and Physical Education Department three activity courses are required, but any class from Aerobic Dance to Billiards is acceptable and applies to your degree. Also mandatory is a class on the School Health Program. Several weeks in this class were spent on "value clarification activities", which might be better named "value confusion activities". Hypothetical problems, situational ethics and "forced choice activities" were presented and taught, with, as far as I can see, no other outcome for children than confusion of values. Several

times, the teacher passed out to us questionnaires involving such things as homosexuality, divorce, premarital sex, abortion, transvestitism, exhibitionism, pornography, etc. etc. We were then asked to rate them on a "value scale" from "clearly wrong" on one end, to "nothing wrong with this" on the other. The scores for all the questions were added and compared to a "spectrum of values". Those who were liberal fell in the "Fun Morality" group, while the more middle-of-the-road folks were grouped under "Humanistic Liberalism" or "Enlightened Asceticism". Where did I score on this spectrum? I was labeled a "Traditional Repressive Asceticist". Is this what I am supposed to be teaching kids? How to label people, and that some children, or more correctly some of their parents, are "enlightened" while others are "repressive asceticists"? All this is passed off under the guise of helping children to "clarify their values", while in actuality, all it does is teach children to question values, both theirs and their parents.

Well, what about those psychology courses? Isn't there some value in learning about how children develop and learn? Of the two required psychology classes, one vaguely dealt with personality theories, mental illness theories, learning theories, development theories--nothing practical or usable in the classroom. The other psychology class covered the development of man from conception to death, with no particular emphasis on learning. Any half-witted mother could learn more about the development and learning of her own child, through simple observation, than I learned in these classes.

What good were the Education classes themselves? One Orientation to Education class taught only two things that I can remember: 1) we ought to join the teacher's unions, for the good of the children, of course, and 2) teachers are professionals, and we need to know how to defend ourselves. Articles and statistics were passed out with the advice that we keep and remember the material so we could defend ourselves should the efficiency of the public school system ever be called into question.

The Teaching of Reading course focused on many progressive methods, while practically ignoring phonics, the one method which I, and many teachers, believe to be the most practical, and successful method for teaching kids to read. Much time was taken up in this class with designing and making classroom games. Only we weren't supposed to call them that--parents wouldn't want their children to spend so much school time playing games. They were called "skill enhancement activities".

In another class, one day we spent finger-painting, another day watching cartoons. A certain teacher in still another class, was in the habit of dashing around the room, yelling, and literally throwing himself on the floor and playing dead, just to get his points across. I'm sure every parent would love to see their child's teacher act this way!

Exhibit #50  
Feb. 7, 1983

ME :

DATE: 2/2/83

ADDRESS:

PHONE: 1-406-294-2735

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: SR 253

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

In the whole program, the philosophy was anti-Christian and anti-parent. Future educators are indoctrinated in: "You are the teacher; you are the professional. Don't let parents intimidate you, or tell you what to do. The there often is: "Teachers should do a much better job, if those parents just wouldn't interfere." "While at the same time, paying lip-service to trying to get parents more involved in the learning process. Lectures are given at identifying physical and mental abuses of children, because "you just don't know what the parents are doing to them at home."

Are all teaching degrees programs like this? Probably not. But the point is, you can go to the program and get a teaching certificate. And you will be any more prepared to teach than all the other people out there. I have heard plenty of stories of college graduates, and students who become completely disillusioned when they get a job in the real world. They find that the methods, the idealistic theories, and the things they were taught do not work; they make the college-teachers feel that the ideal, scholarly and important, were informed more than unenlightened parents, who are to be feared and look out for #1, but they are not in the teaching primary responsibility, that of teaching a lesson.

Then it comes right down to it, anyone, with the time, money, and simple patience to ride through the classes, can get a teaching certificate. It is easy to tell parents they can't teach their own children, because they have not gone through this program. What can Christian school teachers and home educators do if this bill passes? Completely halt the children's education while they go on a four year wild goose chase? That, obviously, is not practical. So, Christian parents are left with very few choices. They can relinquish their children to the public school system, which teaches attitudes and ideas that attack what they stand for, or they can hire certified teachers (finding ones and hiring ones as they do would be hard if not impossible, and hiring ones who do not believe as they do would be the same as sending their kids to the public school), or parents can choose to disobey the law, and risk prosecution and possible jail sentences. Those are their only choices.

People are being prosecuted today, and if this bill is allowed to pass, I'm sure a good many more will be prosecuted tomorrow for no other reason than that their children are not in a public school; not because their children are being abused or neglected; not because they are receiving a shoddy education; but just because they are not in a public school. Senate Bill 252 is an arbitrary control over the people of this state; arbitrary because it is not based in reason or justice, but simply denies freedoms and Constitutional rights. I ask you, please do not pass Senate Bill 252.

Patty Barnett  
Missoula, Montana

Feb. 1, 1983

- #50

1983

State Education Committee

Bill Brickey

Eureka

FIG : Church School Administrator

Senate Bill 253

February 2, 1983

I respectfully submit my objection to SB 253 on the following grounds.

1. I believe as a parent, I have certain mandates and prerogatives from God to train and instruct my children in accord with the Holy Scriptures as opposed to the humanistic teaching of the public system. If SB 253 is passed, I believe it will greatly hinder, if not, in fact, make this task impossible.
2. I believe SB 253 has clearly taken the burden of training a child from the parents and placed it on the state, and placed the burden of guilt or innocence as far as competency is concerned on the parents, reversing the natural flow of law enforcement. Furthermore, I believe SB 253 says, if we will meet certain prescribed standards we'll be excused from a judgement that has already been passed. All this says to me is the child belongs to the state.
3. I believe there are sufficient safeguards planned and provided to supervise the education of the children in the state. If there are violations, treat them on an individual basis. Would we indict the whole town, because of one offender?
4. I believe child training requires and demands a very high standard of moral and academic excellence. I do not believe this goal will be accomplished by the enactment of this bill, but in all probability will be a violation of certain principles that are essential to Godliness and good government.

Respectfully yours,

Bill Brickey

AB

EXHIBIT #51  
Feb. 21, 1983  
NAME: EARL D. HARGIS DATE: 2/2/83

ADDRESS: N.W. 5431 OLD HWY. 93 FLORENCE, MT. 59833

PHONE: 273-2772 or 273-6489

REPRESENTING WHOM? FLORENCE BIBLE CHURCH AND CHRISTIAN ACADEMY

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: See ATTACHED STATEMENT PLEASE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# FLORENCE BIBLE CHURCH

FLORENCE CHRISTIAN ACADEMY (K-12)

N.W. 5431 Old Hwy. 93 • Florence, Montana 59833 • Phone: (406) 273-2772

February 1, 1983

Dear Chairman and Members of the Senate Education Committee:

I am writing to request that you stand unequivocally opposed to SB 253 which purportedly clarifies exemption from compulsory education laws for students in private schools.

This bill constitutes an unparalleled intrusion into First Amendment freedom as provided by the Bill of Rights of the United States Constitution. The Educational ministries of churches for the most part are the result of a growing conviction from God by responsible Christians. These godly people are concerned with Biblical directives to train their children in absolute truths while at the same time eliminating that which is wrong and harmful in the curriculum and/or learning setting. One typical Scripture says, "Cease, my son, to hear the instruction that causeth thee to err from the words of knowledge." - Proverbs 19:27. Those who accept the Bible as God's Word see it as the only foundational source for evaluating, measuring and determining truth as we mold our philosophy of life. The clear directives and firm absolutes of God's Word then become the framework within which life is viewed. Therefore, regardless of the subject under consideration, the question most frequently asked is, "What does God say about that and what should we do because of what He says?"

Many, if not most of the people, who would be affected by SB 253 could not in good conscience before God submit to the conditions of that bill. They would have to forsake the practice of their faith in order to do that. This Bill then would force these good people into a conflict with either their peers in our society or with God Himself. In most cases these folks would suffer under what would be regarded as excessive, unrighteous governmental intrusion. They could not obey God and follow the intent of SB 253.

While you will make many decisions in the course of a passing legislative session, some of those decisions will have serious, far-reaching results. We believe SB 253 is one such decision. As you face that sobering truth, may I remind you that the affairs of men some day are going to be tested by the Ruler of the entire universe? We are praying God will give you His wisdom and His direction in this matter.

Please defeat and "kill" this proposed law immediately. Thank you for your time.

Sincerely yours,

SERVING THE BITTERROOT VALLEY WITH .....

A Fundamental - Soul Winning - Bible Believing Church

Earl O. Hays, Pastor

Exhibit #52  
Feb. 7, 1983

Feb 7/83

has given Reg  
s of  
of private schools  
Harperson - Members of Com.

I am opposed to HB 253, simply because  
the harassment of the private school system simply  
is not desir. ~~and~~

Until the public school system gets their own  
house in order I find it completely discriminatory for  
the State Board to have a litany of rules and regulations  
on the private school system.

I have always found it amusing that when  
competency tests were prescribed for private schools  
and the attorney agreed - if and only if the State  
Public Schools were subjected to the <sup>that regulate</sup> same <sup>suggested</sup> <sup>drafted</sup>  
~~Needless to say that criteria was quickly dropped~~

Since the public school system is well aware of  
the excellence of the majority of the private system.  
let them live and let live.

Pioneers in education the private schools have  
an illustrious record of competency, morality, patriotism  
and unparalleled sacrifice on the part of parents.

Now that private schools have become such a  
glaring embarrassment to the poverty of the public  
school system I beg of you to let private  
schools remain private and let the public school  
schools remain public. P. M. Polson

encl 54  
Feb. 7, 1983

Dear Senator Brown <sup>and</sup> Members of the Committee,

I'm opposed to SB 253 because very simply - this amounts to "policing" the private school.

Also, I'm very grateful, that here in Helena, they're options open to parents - because I feel competition is very healthy and promotes superior results. And certainly if I would have to fork the bill - for sure I would be concerned about "getting my money's worth"!

I urge your opposition to this bill.  
Thank-you.

Respectfully,  
Mrs. Patricia Reis  
Helena, Montana

EXHIBIT # 51  
Feb. 21, 1983  
NAME: EARL D. HARGIS DATE: 2/2/83

ADDRESS: N.W. 5431 OLD HWY. 93 FLORENCE, MT. 59833

PHONE: 273-2772 or 273-6489

REPRESENTING WHOM? FLORENCE BIBLE CHURCH AND CHRISTIAN ACADEMY

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: See ATTACHED STATEMENT, PLEASE

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# FLORENCE BIBLE CHURCH

FLORENCE CHRISTIAN ACADEMY (K-12)  
N.W. 5431 Old Hwy. 93 • Florence, Montana 59833 • Phone: (406) 273-2772

February 1, 1983

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While you will make many decisions in the course of a passing legislative session, some of those decisions will have serious, far-reaching results. We believe SB 253 is one such decision. As you face that sobering truth, may I remind you that the affairs of men some day are going to be tested by the Ruler of the entire universe? We are praying God will give you His wisdom and His direction in this matter.

Please defeat and "kill" this proposed law immediately.  
Thank you for your time.

Sincerely yours,

SERVING THE BITTERROOT VALLEY WITH .....

A Fundamental - Soul Winning - Bible Believing Church

Earl D. Hays, Pastor

express  
Feb. 2, 1983

Feb 2/83

Chairperson - Members of Com.

Law opposed to HB 253, simply because  
the harassment of the private school system <sup>simply</sup>  
must exist; ~~and~~ ~~there~~

Until the public school system gets their own house in order I find it completely discriminatory for the State Board to have a litany of rules and regulations for the private school system.

I have always found it amusing that when competency tests were proscribed for private schools and the attorney agreed - if and only if the state public schools were subjected to the <sup>same</sup> ~~same~~ <sup>that regular</sup> ~~was quickly~~ <sup>dropped</sup> ~~needless to say that criteria was quickly dropped~~

Since the public school system is well aware of the excellence of the majority of the private system let them live and let live. Pioneers in education the private schools have an illustrious record of competency, morality, patriotism and unparalleled sacrifice on the part of parents.

Now that private schools have become such a glaring embarrassment to the poverty of the public school system I beg of you to let private schools remain private and let the public school system clean up their act.

Rose Mary Rodgers  
15th Nov 1901  
H. D. Mo

Rose Mary Rodgers

76

encl 54  
Feb. 2, 1983

Dear Senator Brown <sup>and</sup> Members of the Committee,  
I'm opposed to SB 253 because very simply - this amounts to "policing" the private school.

Also, I'm very grateful, that here in Helena, they're options open to parents - because I feel competition is very healthy and promotes superior results. And certainly if I would have to fork the bill - for sure I would be concerned about "getting my money's worth"!

I urge your opposition to this bill.  
Thank-you.

Respectfully,  
Mrs. Patricia Reis  
Helena, Montana

27  
Feb. 2, 1983

1529 Chateau St.  
Helena, Mt. 59601  
February 2, 1983

Referring to S.B. 253: Opposed.

I stand in opposition to this bill.

This is an unreasonable bill in the fact it would shake the life from our private schools. It is an attempt in my opinion to change "private" schools to "public" schools. These schools, would as a result remain "private" in name only.

Having heard those in favor of this bill it sounds as though the "state" is afraid of private schools and the competition they give, and everyone realizes competition is healthy.

So called "state" schools have, on occasion chosen to be private! ~~not~~ because As an interested taxpayer, I have on various occasions attempted to audit classes in our Helena public schools only to be told I must make appointments. This I did and attended but you realize those classes were planned for my visit. rather than to, wouldn't you agree?

and principal would not allow me to  
attend a particular class on this particular day  
They are children in our public schools that do not know how

Is this public education?

Is this being "accountable"?

It is <sup>certainly</sup> regulation by <sup>and control</sup> the particular

state but as a taxpayer interested in  
quality education what standards are  
these individual "public" schools following

Have they failed in certain areas and  
are <sup>they</sup> afraid to admit their failure?

Mrs. Beverly Glueckert

- a Montana teacher

- a Roman Catholic

having taught in public and  
Roman Catholic schools.

- a mother of children who have  
attended both public and  
Roman Catholic schools.

many of these  
children are  
labeled Retarded

To read. Give me these children to teach, they'll learn, and then they'll

NAME: John J. Thiebes DATE: 2/2/83

ADDRESS: MISSOULA PO 7742

PHONE: 543 4632

REPRESENTING WHOM? Sussex School

APPEARING ON WHICH PROPOSAL: SF 523

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?           X          

COMMENTS: \_\_\_\_\_

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #55  
Feb. 7, 1983

Sussex School, Inc.  
1800 S. 2nd West  
Missoula, Montana 59801

February 2, 1983

The Honorable Bob Brown, Chairman  
Senate Education Committee  
Montana State Senate  
Capitol Station  
Helena, Montana 59620

Dear Senator Brown:

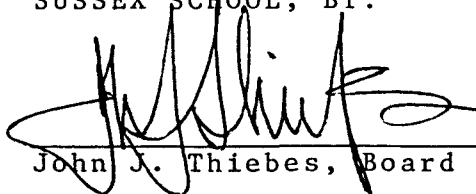
We are writing in opposition to SB 253 because we believe that this bill would destroy the whole purpose of private education, which is to provide an alternative to the public schools. We should stress at the outset that Sussex School is a private, non-religious, non-sectarian, alternative elementary school which was founded ten years ago in order to provide an elementary educational setting which structure differs considerably from that of the public schools. We believe completely that the State has the right to ensure that children attain minimal educational levels, but we do not believe the State has any interest in addressing the method in which those goals are attained. We believe that SB 253 is an attempt to make private schools virtually identical to public schools, both in their curriculum and management.

Section 4, pp. 9-11 essentially requires that private schools be structured identically to public schools in that the curriculum will be mandated by the State Board of Education, the length of the school year will be identical with that of the public schools, the method of instruction and rating will be virtually identical, and furthermore the State education authorities are empowered to enforce compliance with these educational and management requirements.

We believe that all of these proposals are entirely unnecessary intrusions into our ability to provide an alternative means of reaching the same educational goals that the public school system seeks to reach.

Sincerely,

BOARD OF DIRECTORS,  
SUSSEX SCHOOL, BY:



John J. Thiebes, Board Secretary

JJT/HS/1s

cc: Members, Senate Education Committee

## ORGANIZATION

Sussex School is incorporated as a non-profit organization. It is non-discriminatory and enrollment.

Sussex School is not affiliated with any religious or political group. It is only such school for elementary school children in Missoula. The school is licensed for both daycare and elementary school.

## ADMINISTRATION

The Board of Directors is elected annually and the board has eight members—all of whom are parents of children in the school.

The Board meets monthly to make decisions on school finances, general policies, administrative changes and long-range planning. The board also hires the staff following the recommendation of a hiring committee and to all interested parents and

## GENERAL MEETINGS

Meetings of all parents are held bi-monthly. Board decisions are discussed with issues for future board meetings.

Activities are often made by teachers and parents, e.g., slide shows, movies and other school activities.



## ADMISSION

The school maintains a balance in numbers of boys and girls, as well as between age groups. Otherwise, students are enrolled on a "first come, first served" basis.

Sussex School does not discriminate on the basis of race, color, national or ethnic origin in its administration of its educational and admission policies, or scholarships.

No interviews or academic tests are required of prospective students.

## SUSSEX GRADUATES

Educators agree that one of the most important indicators of a school's effectiveness is the success of its graduates.

According to a recent survey of high school teachers, Sussex graduates are well-adjusted students, independent and highly motivated. Described as eager learners and creative thinkers, they have been successful in pursuing and achieving individual goals and challenges.

## LOCATION

Sussex is located on 2½ acres at 1800 S. 2nd West in Missoula. The elementary school is housed in one of Missoula's historic homes, built in the early 1900s. The preschool occupies a separate building and the two schools share a small gym.

## HISTORY

Sussex School was founded in 1971 as a cooperative pre-school by a group of parents who wished to participate actively in their children's education.

The elementary school was added in 1973 and was organized to offer a quality, alternative education for Missoula families.

It is today demonstrating successful innovative teaching with parent involvement.

## PHILOSOPHY

We believe that school is a place where students have the right to develop to their fullest potential—emotionally, socially and academically.

We further believe that this happens best when school is both challenging and fun.

To achieve our goals we offer:

a low student/teacher ratio;

a child-centered curriculum which gives each child a say in what is learned;

a challenging program for all students, allowing each to advance at his or her own pace;

a warm, caring and fun-filled environment where students of all ages can play and make friends; a total integration of the school into the community.



Vol. 1, #55  
Feb. 7, 1982

## CURRICULUM

**LANGUAGE ARTS**—reading, grammar, spelling, creative writing, poetry readings, drama, individual learning contracts, research methods, library.

**MATHEMATICS**—hands-on, logical thinking, metric system, problem solving.

**SPANISH**—basic conversational skills, aural/oral approach, language lab.

**SCIENCE**—teaching of scientific procedures, facts and principles.

**ART**—painting, drawing, printing, batik, pottery, photography, weaving.

**MUSIC/PERFORMING ARTS**—vocal instruction, creative dance, mime, drama.

**SOCIAL STUDIES**—geography, history, cultural awareness, current events, community affairs, field trips.

**PHYSICAL EDUCATION**—intramural soccer, volleyball, basketball, European handball, "New Games," individual exercise.

**PRACTICAL-PRODUCTIVE**—experiences such as carpentry, house painting, yard work, weatherizing the school buildings, gardening, etc.

## PRE-SCHOOL PROGRAM

The general areas of curriculum mentioned above are also used to augment the pre-school program. In addition, proper priority is given to the social, emotional and physical needs of the pre-school child.

## FACULTY

Sussex has a staff of 2-3 full-time and 6-8 part-time teachers.

The teaching is departmentalized so that staff members are hired to teach only subjects of their special interest and strength.

## PARENT INVOLVEMENT

Each family is required to contribute a prescribed number of hours of work each quarter that school is in session. This time can be spent in creating special learning units, helping in the classroom, driving on field trips, administration of the school, lunch time supervision, school maintenance, fund raising.

## COMMUNITY INVOLVEMENT

Sussex participates in the University of Montana School of Education's student teaching and tutorial programs. The school also employs work-study students.

Public school teachers from all over Montana find time to visit the school. Sussex teachers frequently give presentations about the school in Missoula and beyond.

## FINANCES

The school is supported by tuition, donations and fund raising activities.

In order to maintain its high quality education and also be able to offer scholarships, Sussex has established annual fund raising events:

**FUND DRIVE**—seeks pledges from the community at large as well as from the families in the school, the alumni and their parents.

**AUCTION**—receives support from businesses and individuals throughout the community.

In addition, raffles, dances, rummage sales, etc., are held from time to time. Donations to the school are tax deductible.



## EXTENDED CLASSROOM

Extending the learning beyond the regular classroom helps the students develop a connection between skills learned at school and real-life experiences. It sparks an early interest and concern for the community.

Field trips include visits to: local museums, art galleries, public library (weekly), rivers, forests, ponds, animal refuge, geologic sites, historic sites, all social service agencies, businesses of all kinds, the University, City Hall, Court House, Mayor's Office, State Legislature.

## STUDENT ACTIVITIES

Elementary students meet weekly to discuss upcoming events and to formulate school rules. Decisions are made democratically by vote of students and teachers. Students chair the meetings.

Students have responsibility for routine cleaning of the school.

Extra-curricular activities are planned by students and teachers as interest and need occur. These have included: Chess Club, sports, dances, photography, parties, camping, overnights at school.

## SPORTS

Sports are part of the physical education program. The size of the school precludes competitive sports that require large teams. Many of our students, however, participate in YMCA soccer, UofM after-school swimming programs, and other sports programs.



examined  
Feb. 7, 1983

NAME: Russell L. Johnson DATE: Feb. 2, 1983

ADDRESS: 127 Humboldt Loop

PHONE: 442-0123

REPRESENTING WHOM? Seventh-day Adventist Schools of MT

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ☒

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

James 5.0  
Feb. 2, 1983

Wednesday, February 2, 1983

RE: SB 253

Mr. Chairman:  
Committee Members:

My name is Russell Johnson. I represent the Seventh-day Adventist Schools of Montana and Adventist parents involved in home school situations.

I want to commend the Board of Public Education for its concern for the youth of Montana. Our youth are the most precious heritage we have. Your children and mine are the immediate future of this state and nation.

I, too, am concerned about the instruction of our youth. Because I come to you with a ministerial background and as a former public school educator I see both the strengths and weaknesses of the bill. There is nothing wrong with most of what is written in it. However, many of the requirements are out of harmony with personal conscience or do not fit non-public school situations.

Page 2, line 9: School on Saturday

This violates the rights of teachers and students that honor God by observing the seventh-day Sabbath as clearly outlined in scripture.

Being subject to the varying judgments and whims of each county superintendent will be addressed by others and thus I'll not speak to that issue.

Page 10, line 1: I believe school buildings can and should reasonably meet codes. However, home schools, an excellent and vital part of America, must be exempt from such requirements. For example, fire codes for public buildings are quite different than for homes. Do you really need an "exit" light over the front door so "Johnny" can find his way out?

I would suggest that we allow the Board of Public Education to regulate the public school system. Private schools should run their own programs and cooperate with the Board of Public Education as in the past. I would have no objection to non-public school children signing an affidavit of intent to attend an alternative educational program. Nor would I be opposed to such youth taking well recognized standardized achievement tests.

Test results show that overall, students in private and home schools are adequate to superior in scholastic achievement, social development and moral growth.

Americans have fought long and hard to avoid the type of totalitarian monopoly prevalent in some countries today. We must not allow that to happen here.

Again I repeat there is much that is right in the bill, but there are several areas that are unacceptable. We dare not trample on the rights of conscience. Therefore, I cannot accept this bill as written.

Sheet #57  
Feb. 7, 1983

ME: William J. Johnson DATE: 02/02/83

ADDRESS: STAR Route Boulder, Montana

PHONE: 225-3570

REPRESENTING WHOM? SELF Independent

APPEARING ON WHICH PROPOSAL: Senate Bill 253

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENTS: As a parent living within the  
jurisdiction of the State of Montana I  
believe it is my right to teach my  
children at home. We already have a  
bill House bill 49 that will allow  
that. More regulations are an offense  
to me & others like me.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #58  
Feb. 2, 1983

NAME: PASTOR JIM BRACKETT DATE: 2-2-83

ADDRESS: 1402 Valley Hts. Rd. Billings

PHONE: 406 245-3736

REPRESENTING WHOM? Seventh-day Adventist Church of Billings

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?        AMEND? X OPPOSE?       

COMMENTS: This bill allows a far too substantial  
encroachment upon the separation of Church  
+ state by giving the ~~be~~ state board of  
education to determine the adequacy of  
a private school in instructional as well  
as other areas of operation.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bill # 59

Feb 7, 1983

NAME:

Terry Dorow

DATE: 2-2-83

ADDRESS:

3010 Parkhill Dr Billings MT 59102

PHONE:

406-652-2097

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

Senate Bill 253

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

✓

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit T-59  
Feb. 2, 1983

2-2-83

Mr. Chairman and members of the committee:

For the record my name is Terri Dorow. I live in Billings and have my daughter in a private Christian School. I am opposed to SB 253.

Before enrolling our daughter in a private school, my husband and I very carefully evaluated this decision. I hold a B.S. degree with majors in elementary education and physical education and minors in biology and secondary education. Also, I taught seven years in the public school system. My husband holds a doctorate of dental surgery degree. Since our daughter would have to be driven to school instead of walk the two blocks to the public school and we would have to pay a relatively high monthly tuition payment on top of our already high property tax payment, we did not make this decision lightly.

In analyzing the options available for our daughter's schooling, we looked for academic excellence and individual goals for high moral and social development. We chose a private school education for our daughter. It is a school concentrating on a sound basic education taught in a traditional classroom setting. We are not sending her to a week of Sunday School. We are sending her to school!

With the growing illiteracy rate in America, I feel the Board of Public Instruction should spend its time focusing on their problem and the one over which they have jurisdiction. If they could get the public school system to the standard of excellence that it should be for the kind of money we Montanans are paying, it would benefit us all.

I believe this committee is concerned that each child in Montana is given a basic education. SB 253 cannot guarantee this end anymore than code 20-7-111 has guaranteed this end result to students in the public schools over the years. If passing legislation could cure all the social ills of this country, then why do we still have to deal with crime, prejudice and inequality.

I have spent the last six days at the Capitol reviewing our legislative process and talking with legislators. We have discussed this legislation and they have listened to my concerns and questions. However, what I have learned is that no one really knows what the far reaching effects of this bill will be.

Thank you for giving me this opportunity to share with you today how I feel on this issue and thank you for your openness and availability during the past six days.

EXAM #60  
Feb. 21, 1983

NAME: Lynn Marie Balga DATE: Feb. 2, 83

ADDRESS: 2904 Green Valley Drive Billings, Montana

PHONE: 656-5440

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: S.B. 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ☒

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Feb. 2, 1983

2-2-83

Mr. Chairman and members of the committee. For the record my name is Lynn Balyo. I live in Billings and teach at the Billings Christian School. I am opposed to Senate Bill 253.

I have a B.A. degree in education and have six years teaching experience in both the public and private school sectors.

I would like to inform this committee of the educational system at our school. All of our teachers are certified. We conduct classes in a traditional classroom setting, maintain attendance and health records, permanent records of achievement, testing results and fulfill the state requirements for the number of days attended and number of hours taught in each subject.

I am opposed to S.B. 253 because it is so unclear what subject matter the state may require us to teach in the future.

As parents with two children enrolled at the school, my husband, who has a masters degree in guidance and counselling and is an educator with the Billings public school system, and myself feel a need to have our children taught excellent academics in a Christian atmosphere. We are concerned that this bill may ultimately inhibit that right.

Thank you for allowing me this opportunity to share the concerns of my husband and myself.

8-10-1111 "0"  
Feb. 7, 1983

NAME: John I. Dahl DATE: 2/2/83

ADDRESS: 6335 Blackfoot Rd Helena

PHONE: 458-9315

REPRESENTING WHOM? East Helena Foursquare Christian School — Concerned parent  
— School Board member

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENTS: I feel that once State Control is put on  
Private Schools there will be no stoping it and  
the first thing to go will be prayer & devotion.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

copies #62  
Feb. 21, 1983

NAME: Sharon Tusken DATE: 2-2-83

ADDRESS: P.O. Box 683 Belgrade, Mt 59714

PHONE: 3886206

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: SB 253

DO YOU: SUPPORT?            AMEND?            OPPOSE? ✓

COMMENTS:           

Shall a few <sup>in private ed.</sup> minor failures condemn  
the rest of us. You must keep in mind all the  
failures that come out of strictly regulated  
public schools.

Because I am a parent am I less  
credible than college grads & representatives of  
larger & powerful organizations.

Can it be proven that private & independent  
schools in Montana are unsatisfactory and need  
big Brother?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit # 63  
Feb. 21, 1983

NAME: Monty Perry DATE: 2/2/83

ADDRESS: 1025 E. OLIVE Bozeman, mt.

PHONE: 587-9445

REPRESENTING WHOM? SEVENTH-day Adventist Schools of Montana

APPEARING ON WHICH PROPOSAL: S.B. 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ☒

COMMENTS: THE majority given to THE Elected Superintendents  
is fair to bring.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit #64  
Feb. 2, 1983

NAME: DAN VANDER Jagt DATE: 2/2/83

ADDRESS: 229 Ashley CT, Billings

PHONE: 245 3649

REPRESENTING WHOM? Citizen Yellowstone County

APPEARING ON WHICH PROPOSAL: HB 253 Education

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENTS: recommened opposition to Bill #253  
supporting the reasons stated by Tom  
Hannah and others,

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Excluded 1161  
Feb. 21, 1983

# Lest We Forget

The following item has appeared many times in many places but bears repeating and repeating.

In May 1919 at Dusseldorf, Germany, the Allied Forces came upon the "Communist Rules for Revolution."

A. Corrupt the young, get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

B. Get control of all means of publicity, thereby:

- Get people's minds off their government by focusing attention on athletics, sexy books, plays and other trivialities.
- Divide the people into hostile groups by constantly harping on controversial matters of no importance.
- Destroy the people's faith in their natural leaders by holding them up to contempt, ridicule and obloquy.

- Always preach true democracy, but seize power as fast and as ruthlessly as possible.

- By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

- Foment unnecessary strikes in vital industries, encourage civil disorders and foster lenient and soft attitude on the part of government toward such disorders.

- By specious argument cause the breakdown of the old moral virtues, honesty, sobriety, continence, faith in the pledged word, ruggedness.

C. Cause the registration of all firearms on some pretext with a view to confiscating them and leaving the population helpless.

Check off how many you think we have already "complied with" or have been duped into. Rather frightening, isn't it?

February 3, 1983

Senate Education Committee  
State Capitol  
Helena, Montana 59620

Senators,

We believe that church and state should remain separate. This is a privilege that is given to us in our constitution.

Our christian school is doing fine without the state interfering. There is no question as to the high standard of academic and spiritual quality our students are receiving.

The passing of SB-253 would violate parents' rights to control their children in the area of education. The question of who is teaching the children is a decision and responsibility of the parents, not the state.

Sincerely,

*Mr. & Mrs. Steve Robinson*

Mr. and Mrs. Steve Robinson  
246 S. 6th West  
Missoula, Montana 59801

February 2, 1983

Senate Education Committee  
State Capitol  
Helena, Montana 59620

Senators,

We are the parents of two children in christian school. And we feel that we have the responsibility to decide if our children should go to a public school or a christian school.

They are a product of us, not of the state. We are given the charge of training them up in the way they should go.

We do not believe that state certification determines the quality of the teachers.

Our daughter went from a christian school to a public school for two years and then back to a christian school. When they tested her to see what level she was, she tested almost the same place as she was when she left the first christian school.

So that is one of the reasons we do not believe that state certification proves the quality of the teachers.

We personally think we have the best teachers when they are saved and teaching christian education, not teachers certified by the state and schools controlled by the state.

Sincerely,

A handwritten signature in dark ink, appearing to read "Byron M. Pruiett". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Mr. and Mrs. Byron Pruiett  
537 Blaine  
Missoula, Montana 59801

February 2, 1983

Senate Education Committee  
State Capitol  
Helena, Montana 59620

Senators,

We have seven children and they have been going to christian schools for six years. The children are not held in a class situation but advance individually. As long as an academic balance is maintained, they are encouraged to move along in their favorite subjects at any pace they choose.

Our oldest son's pre-college exams showed him to be on a second year college level in math. In May 1982, he graduated as an avionics technician.

Our oldest daughter graduated from Northwest Schools with a grade point average of 97.6%.

The rest of our children love the shcool and are doing better than they ever have, for they are now all on the honor roll.

Individual help, encouragement, inspiration, and control all help make the christian schools so much better than the public schools.

It is the parents' obligation to give their children the best education that America has to offer, and in our opinion and experience, it can be found only in the christian schools.

Sincerely,

*Mr & Mrs Jerry Gonsioroski*

Mr. and Mrs. Jerry Gonsioroski  
Box 3  
Huson, Montana 59846

Feb. 2, 1983

Gentlemen:

I am opposed to Bill 253  
as introduced by Senator Blaylock for  
the following reasons:

1. My children are in a "church," trusty  
private school because of our religious  
convictions. God tells us, we must as  
parents be responsible to and for the  
proper instruction of our children.

Proverbs 20:7, "Train up a child in the  
way he should go and when he is old he will  
not part from it."

Ephesians 6:4, "Ye fathers, provoke not your  
children to wrath: but bring them up in the  
nurture and admonition of the Lord."

Since this responsibility belongs to us by  
divine instruction, we look to God not government  
for standards and criterion of education for  
our children. Why is there this persistent effort  
to Rob us of our freedom to practice our faith?

2. Thomas Jefferson once said in a letter to  
William Ludlow, "I think we have more machinery  
of government than is necessary, too many parasites  
living on the labor of the industrious." How aptly  
this may apply! As a tax payer I am angered  
that my money would be spent so wantonly in  
an area that is ~~not~~ claimed by the people.

not needed. What a waste! The news media is frequently and consistently pointing out problems and areas of need in the existing Tax supported Public School System. February 1983 issue of Readers Digest, "What's Happening to Our Schools," is a case in point. It seems the most certain expenditure that this proposal would incur, could certainly be applied more wisely and efficiently to the present system! Perhaps this Bill 253 is merely a facade to provide funds for more parasites and bigger machinery?!

Respectfully  
Stephanie R. Vander Veer  
2996 So. Reserve  
Providence, RI 02902



# Sunrise Academy

P.O. Box 355  
Miles City, Montana 59301

**RECEIVED**

DEC 26 1980  
SUPERINTENDENT  
OF PUBLIC INSTRUCTION

State School Superintendent  
State Board of Education  
State Capitol Building  
Helena, Montana

Dear Sir,

This letter is to inform you that we have established a private school, known as Sunrise Academy, located in Miles City, Mt. with the above mailing address.

The school is in operation at least 180 days per year, and operates for at least 6 hours per day. Our curriculum includes reading, writing, art, math, social studies, music, physical education, science, health, fine arts, vocational education, free enterprise, constitution, history and on the job training for specific skills. The student body at this time consists solely of the members of our own family.

To the best of our knowledge, this letter completes our legal obligation. If there are any further requirements established by law, please let us know.

Sincerely,

Daniel E. Thueringer  
Superintendent; Sunrise Academy



## County of Custer

Custer County Courthouse  
1010 Main  
MILES CITY, MONTANA 59301

January 21, 1981

Mr. Rick Reese  
Assistant to the State  
Board of Public Education  
33 South Last Chance Gulch  
Helena, Montana 59601

RE: Sunrise Academy - Private Instructional Program  
Miles City, Montana

Dear Mr. Reese:

Enclosed please find a copy of a letter dated January 15, 1981 which was addressed to Mr. Daniel E. Thueringer, Superintendent of the Sunrise Academy, in Miles City, a recently established private school. Also enclosed please find copies of the various letters referred to in my letter of January 15th, as well as a copy of Attorney General Mike Greely's opinion dated August 7, 1980 relating to the responsibilities of the State Board of Public Education and private institutions. I have not enclosed a copy of the Standards for Accreditation of Montana schools as amended by the Board of Public Education dated March 8, 1976, Third Edition, as I assume you have access to that document. A copy of that document was, however, enclosed with my letter of January 15 to Mr. Thueringer.

I note that the Attorney General's opinion provides in part as follows:

"Therefore, the Board of Public Education may review programs which may be submitted to them annually by private institutions, to determine

Mr. Rick Reese  
Page 2  
January 21, 1981

whether they comply with the board's requirements and issue a statement to those institutions that are in compliance. However, this review may not impose teacher certification requirements upon teachers, librarians, and guidance counselors. An institution which does not obtain a statement of compliance from the board may seek judicial review or present its justification in court during the course of the proceedings initiated by an attendance officer when he finds a child who is not enrolled in an appropriate institution."

The Attorney General's opinion suggests that there should be some guidance from the Board of Public Education in these matters.

I am writing to inquire whether or not the Sunrise Academy has submitted the educational program it offers to its enrollment and whether or not the Board of Public Education has made a determination as to whether or not the Sunrise Academy's educational program complies with the requirements of the State Board of Education. If you have not issued a statement as to whether or not Sunrise Academy is in compliance, is it because you have not been furnished sufficient information by Sunrise Academy or because you do not believe that it is your duty to review programs submitted by private institutions? My reason for asking the question is that the Attorney General's opinion states that the Board "may" review programs, which could mean that you are not required to review them.

If the matter is investigated by an attendance officer, what criteria would the attendance officer use in determining whether or not the program of the private institution is in compliance and what procedures should be followed by an attendance officer in initiating and reviewing the situation? In your opinion, does Section 20-5-105 of the Montana Code Annotated provide sufficient authority to an attendance officer to enter a private institution, without Court Order or other authority and to conduct an investigation? That seems to be the second alternative set forth in the Attorney General's opinion.

The third alternative set forth would be for a private institution to seek judicial review to determine whether or not its educational program is in compliance, however, there is nothing that would

Mr. Rick Reese  
Page 3  
January 21, 1981

require a private institution to seek such a review.

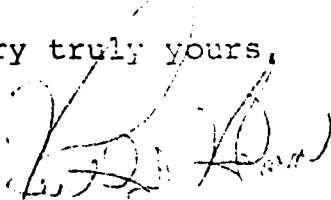
It appears to me that the Board of Education is the governing body which determines the standards for schools upon the recommendations of the Superintendent of Public Instruction. In reality, the only personnel in our state who are qualified to review a school to determine whether or not it is in compliance with our state standards, are associated with either the State Board of Public Education or the Office of the Superintendent of Public Instruction.

I am therefore requesting that either the State Board of Public Education or the Office of the Superintendent of Public Instruction, to which I am sending a copy of this letter, send qualified personnel to Miles City to determine whether or not the Sunrise Academy is in compliance with state standards, after first contacting officials of Sunrise Academy, so that all parties are apprised of the purpose and time of the review.

I am advised that the only truant officer in School District #1, which generally is located within the City of Miles City, is Superintendent Paul Stengel, who has delegated the attendance officers' duties to each of the various school principals within the district. They, themselves, are the subject of review by the State Board of Education as to their programs and standards and, therefore, do not believe that it is their duty to review other schools located within the district and to my knowledge no procedures for this type of inquiry have been established.

Any assistance you can provide would be appreciated.

Very truly yours,



KEITH D. HAKER  
Custer County Attorney  
KDH:cja

CC Mr. Ed Argenbright  
State Superintendent of  
Public Instruction  
Attorney General  
Marie Elwood  
Paul Stengel

Dear Senator:

We have our child in private Christian school because we believe faith in God is not just something to be exercised in a church building on Sunday. Rather, it is to affect all aspects of life -- including the education of our children.

Since the ACLU and others have determined that the First Amendment means the exclusion of the Christian world view -- they call it religion -- from public schools, and have replaced the Christian world view with their man-centered philosophy, we cannot be obedient to God and send our child to be taught in that system. (Deut. 6:6-7) Proverbs 19:27 says, "Cease my son to hear the instruction that causeth to err from the words of knowledge." We want our child to have a "quality" education and are determined to see that happens. However, a good education cannot be obtained where God has been excluded. Without God at the center, children may learn knowledge but not how to use that knowledge. This can be seen in our knowledge of medicine & drugs. We have taken that knowledge and used it to destroy our own children through abortion!

If S.B. 253 becomes law, you will in effect be forcing us to put our child back into your man-centered public system. Why? Because our Christian school is the church's ministry just as the Sunday school and Youth Chapel are the church's ministry. As a church, they cannot accept a "license" or approval from the state. Christ is the head of the church. (Col 1:18) Also if a church accepts a license from the state, you have violated the separation of church and state making the state head of the church's ministry.

Therefore, passage of this bill will force us to make a choice between obeying God or men. It will also be denying us our First Amendment freedom to freely exercise our faith by forcing us back into a God-less education system. The bill is not really aimed at insuring quality education but rather at control of all education!

Mr & Mrs. John V. Pigg  
Sidney, Mt.

NAME: CHARLES E. WISSENBACH

DATE: 2/2/83

ADDRESS: P.O. BOX 563, HAMILTON MT 59840

PHONE: 961-3879

REPRESENTING WHOM? PARENT'S HIGH

APPEARING ON WHICH PROPOSAL: 253

DO YOU: SUPPORT? AMEND? ☒ OPPOSE? ☒

COMMENTS: I believe the current system of financing puts public schools against private schools concerning,

For example, when a student withdraws from a public school to attend a private school the public school costs stay about the same (and they have to be prepared to take the student back any time) but they loose perhaps \$2,000 - THIS IS BOUND TO CAUSE BAD FEELING and make public schools anti-private school

ALSO - THIS BILL IS PRO-CONTROL AND ANTI-EDUCATION. IT IS A DIRECT ATTACK ON PRIVATE SCHOOLS AND THE PARENTS THAT RUN THEM. IT SEEKS AN EDUCATIONAL MONOPOLY - and all loose under monopoly.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME CHARLES E. WISSENBACH

BILL NO. 253

ADDRESS P.O. BOX 563 HAMILTON, MT 59840

DATE 2/2/83

WHOM DO YOU REPRESENT PARENT'S RIGHT

SUPPORT

OPPOSE

☒

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Support the Bond of Education be invited to cooperate with private schools and that allocation of funds not be dependent upon the existence or nonexistence of private schools. This would eliminate one of the source of friction.*

NAME 6<sup>th</sup> Grant Sawyer BILL No. 253  
ADDRESS 207 5th Ave Laurel MT DATE 2-2-83  
WHOM DO YOU REPRESENT \_\_\_\_\_  
SUPPORT \_\_\_\_\_ OPPOSE Very much AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*I'm very much opposed to this bill before we had our private school our children had to go to a public school and was encourage to use 4 letter words in their schooling. We don't believe this is necessary!*

NAME John D. Wells

BILL No. 253

ADDRESS Route 1, Park City, UT 84063 DATE 2/2/83

WHOM DO YOU REPRESENT \_\_\_\_\_

SUPPORT \_\_\_\_\_ OPPOSE opposed AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am in opposition of this Bill 253.  
This bill denies us the right to decide  
the rights for our children and also our  
constitutional rights.

# Office of the County Attorney

## Flathead County

Kalispell, Montana 59901

TED O. LYMPUS, County Attorney  
JOSEPHATHAN B. SMITH, Chief Deputy  
DENNIS J. HESTER, Deputy  
MICHAEL C. PREZEAU, Deputy  
RANDY K. SCHWICKERT, Deputy  
LAWRENCE K. BENNETT, Deputy

P.O. Box 1516  
Courthouse Annex  
(406) 755-5300 - Ext. 241

February 1, 1983

Senate Education Committee  
State Capitol  
Helena, MT 59620

Members of the Education Committee:

I have been asked to advise this Committee regarding any complaint received by this Office concerning private Christian Schools in Flathead County. In response, I can advise that to my knowledge no complaints have been made with respect to the quality or sufficiency of the education provided to their students by the private Christian Schools currently functioning in Flathead County.

My personal experience is that these schools have and continue to serve a good purpose toward provision of an alternative to public education for those who desire it. The quality of the education provided by such schools in this County has, in my experience, continually been of the highest caliber.

Yours sincerely,

OFFICE OF THE COUNTY ATTORNEY  
Flathead County, Montana

By   
Ted O. Lympus

TOL:hp

*refer. Superintendent  
from. Barry Condit, Glacier  
County Supt. of Schools*

POSITIVE SIDE:

One example of private Hutterite schools trying to meet the standards as set forth by the Board of Public Education is the Glacier Hutterite Colony School in Glacier County. The underlying factor here is the good working relationship between the colony school and the county superintendent of schools. I'd like to show you an adopted policy handbook which outlines: HANDOUT 1

1. Educational Philosophy
2. Goals and Objectives
3. School Operations
  - a. Curriculum Development
  - b. Finance and Budget
  - c. Attendance
  - d. Permanent Record Files
  - e. Grading
  - f. Teacher Evaluation
  - g. Immunization Records

HANDOUT 2

4. Guidelines of a Teacher Teaching a Hutterite School in Glacier County
  - a. History of Hutterite Culture
  - b. School Registration
  - c. School Discipline
  - d. School Day
  - e. Student Rules and Procedures
5. Workstudy Programs HANDOUT 3

Designed for Hutterite students who have completed the 8th grade, but who have not reached their 16th birthday.

6. Library standards are partially met by utilizing materials and books from the Glacier County Library.

SCHOOL POLICIES

GLACIER COLONY PRIVATE ELEMENTARY SCHOOL

GLACIER COUNTY, MONTANA

ADOPTED AUGUST, 1980

REVISIONS AUGUST 1981 & AUGUST 1982

GLACIER COLONY PRIVATE ELEMENTARY SCHOOL

STATEMENT ON EDUCATIONAL PHILOSOPHY

The Hutterites of the Glacier Colony Private Elementary School believes that is the inherent right of every child to gain knowledge and develop abilities as much as is possible.

We believe that our students must acquire a knowledge of those skills which are basic to all human understanding. To this end, we consider those skills in writing, mathematics, reading, and spelling to be the basis for learning in all other subject areas.

We believe that education should develop habits, attitudes, understanding, and skills necessary for a productive, satisfying life in civilized society.

It is the responsibility of the school to help each child to understand the duties and privileges of responsible citizenship as it relates to him or her as an individual and to the world community.

It lies neither within our ability nor our desire to substitute for or supplant the guidance and love of the student's family. We gladly accept the opportunity and the challenge to help each student entrusted to us grow in wisdom, understanding, and the ability to survive in this changing world.

GLACIER HUTTERITE COLONY ELDERS

## GLACIER COLONY PRIVATE ELEMENTARY SCHOOL

### SCHOOL GOALS AND OBJECTIVES

The goal of the Glacier Colony Private Elementary School is to accept responsibility for the development of each child into an adult who can stand confidently, participate fully, learn continually, and contribute meaningfully to our world.

Six objectives which contribute to the achievement of this goal, listed without priority in arrangement, define desirable outcomes to be incorporated into short and long range plans for the school system.

1. To insure that each student develops proficiency in basic academic skills.
2. To insure that each student develops the capacity to recognize and cope with the problems of an unknown future.
3. To insure the development of meaningful interpersonal relationships among, staff, students, and community.
4. To insure that staff, students, and parents are afforded maximum feasible participation in the development and evaluation of programs and policies that meet the educational needs of the Hutterite community.
5. To insure maximum efficiency in the allocation of material resources.
6. To insure maximum efficiency in the allocation of human resources.

## ENROLLMENT

### IMMUNIZATIONS AND PHYSICAL EXAMINATION:

All students enrolled in the Glacier Hutterite Private Elementary School must provide written verification that they have been adequately vaccinated for D.P.T. (diphtheria, pertussis, tetanus), Poliomyelitis, Rubella, and Rubella.

### Prescribed Medications:

Special circumstances may require the school to support physician and parents in the administration of prescribed medicine. When such circumstances arise, the following guidelines will be adhered to:

1. A written authorization from the student's physician must be presented. This authorization must include: name of student, date, name of medication, time schedule for administration, dosage, and possible side effects and a termination date. Only oral medications will be given.
2. A written authorization from the student's parents or guardian to give the medication, and a release from all liability in connection with the administration of the medication, shall be signed by the authorities of the Glacier Hutterite Colony School.
3. Medications should be delivered to the school by the parents.
4. A log or written record should be kept with the student's name, date, time, dosage given, and initials of the person administering the medication.

### Emergency Treatment for Student Injuries:

In the event any student is injured in a minor way that can be handled by the staff of the school, the chain of responsibility for administration of first aid shall be as follows:

1. Teacher
2. German Teacher

If the injury is a minor, one of the designated staff may administer first aid in accordance with the generally accepted first aid procedures.

In the event of a serious injury to the student, the family shall be notified as soon as possible. They shall decide what physician shall treat their child, and whether to pick up the child at the school.

## CHILD ACCOUNTING AND RECORD KEEPING:

### Permanent Record File:

A permanent record file will be kept on each student and contain proper identification information, a complete educational history (anecdotal when necessary), to include grades earned, the results of all standardized tests, and health records to include official verification of proper immunization. These records will be kept in a safe location and be available for parent inspection. After the end of the school term, the records will be stored in the county superintendent of schools' office in Cut Bank.

### Attendance:

All students between the ages of 7 and 16 are required by State Laws of Montana to attend school. After the completion of the eighth grade, the students will enroll in an approved Work Study Program, as prescribed by the county superintendent of schools, until the student reaches the age of 16.

### Truancy:

An absence with or without parental permission, which absence feels was unwarranted.

### Philosophy:

The Hutterities of the Glacier Hutterite Private Elementary School believes that regular school attendance is essential to the educational development of all students.

### Grading:

Written reports to parents will be made at least once every nine (9) weeks. Parent conferences, both formal and informal are encouraged as often as necessary, as are verbal or written progress reports between formal grading periods.

### Retention:

Students will be retained at the elementary level only after the parents, teacher, and the county superintendent have had a conference. The teacher will make the decision to retain.

### Teacher Evaluation:

At least one formal observation in the classroom shall be made by the German Teacher. The German Teacher may require the county superintendent of schools to assist with the observation.

## FINANCE AND BUDGET:

### BUDGET DEVELOPMENT:

The elementary budget for the operation of the school will be cooperatively developed by the school teacher and German teacher, with consultation by the county superintendent of schools.

### BUDGET APPROVAL:

The budget will be approved by the Boss Man of the Glacier Hutterite Colony.

### REQUISITIONS:

All school requisitions must be approved by the German teacher, first, then the Glacier Colony Boss Man.

## CURRICULUM DEVELOPMENT

The Hutterites of the Glacier Hutterite Colony recognizes that in order to achieve our adopted goals, it must allow the curriculum to remain static; therefore, the Board deems it essential that the school continually develop and modify its curriculum to meet the changing needs and diversity of our student body.

### Curriculum Development Guidelines:

1. A total review of all programs should be scheduled to insure a comprehensive evaluation of each program at least once every five (5) years.
2. The contents of the curriculum should reflect the adopted philosophy and goals of the school.

## GUIDELINES OF TEACHERS IN PRIVATE HUTTERITE SCHOOLS

### IN GLACIER COUNTY, MONTANA

Hutterite children are born to quite different circumstances than are the other children in Montana. They are born to be self-sufficient as members of the colony. They are not to be recipients of welfare. Every individual must contribute to the welfare of all, thereby contributing to his own well-being.

Their religion is based on Biblical truths. They do not maintain beautiful church structures; their buildings are plain and clean. "Cleanliness is next to Godliness" 'tis said. The buildings double as schoolrooms. The adults adhere to the idea that men are men, women are women. The same theory applies to the children as well. Some work is for males; others for women. This may sometimes cause a conflict in English school where equality of the sexes is practiced. Boys are expected to pick up after themselves just as well as girls.

But Hutterites live in "changing times", too. Colonial life is more difficult to maintain.

An English teacher must always keep in mind that the school is private, maintained completely by funds provided by their combined efforts. Taxes are paid, but no financial aid is received. Another fact, not to be minimized, is that the first (home) language is a German dialect.

The following are Montana's Goals for Education listed in a brochure seen lately:

Through Montana education, each student shall:

1. Develop skills in reading, writing, speaking and listening
2. Develop habit and skills necessary to maintain physical fitness and mental health
3. Learn the rights and responsibilities of citizenship
4. Develop and apply skills which define and fulfill his or her learning needs throughout life

5. Learn his or her career opportunities and capabilities
6. Develop and apply standards for judging his or her behavior
7. Acquire a positive attitude toward learning processes
8. Learn to live in harmony with others
9. Live in harmony with and improve the environment
10. Develop an understanding of his or her role and the roles of others as members of a family
11. Be able to recognize, define and seek solutions to problems
12. Be able to cope with changes
13. Acquire knowledge and skills to purchase goods and services
14. Acquire knowledge and skills for developing and appreciation of beauty
15. Acquire attitudes and knowledge needed for participation in both mental and physical recreational activities

These goals are applicable to Hutterite schools but perhaps this should be added to guide English teachers:

16. Adhere to the teaching of our faith (Should it be number one?)

English teachers should respect the Hutterites. It is not necessary to be a Hutterite to have understanding.

They are a minority--an undemanding minority. They do not live in poverty, or with unemployment. These are problems, they, themselves solve for their own. If children lose a parent or parents, they do not become institutionalized. The relatives of the children assume the parent responsibilities.

Generalizations are made about Hutterites, too. "Fun" is poked at them because they "barter". Why? Bartering was a common practice in our own society at one time. "Horsetrading" trying to get the best deal, etc.

Many Hutterites do not have self-esteem largely because the people on the "outside" make generalizations, or do not treat them well.

Contact with the "outside" world is limited for women and children. Men and boys have more knowledge because the men do business with others. Boys are allowed to accompany them. Girls may go to visit in other colonies, or go to a doctor or dentist. Many concepts are difficult to teach because of the lack of knowledge which a teacher may take for granted.

Many of the people have never seen TV. Radios and tape recorders are not common. None of these are permitted for classroom use.

Inspite of all the so-called negative conditions, Hutterite children do learn to read and write English, and German. They understand mathematical concepts.

Further proof of accomplishments with only a grade eight education more or less of the old-fashioned type, is the success these people have made in agricultural businesses. Another point in their favor is that many of the young men are good workers, and often work for neighboring farmers because they are dependable. No rancher is going to let someone work with the modern day machinery if he thinks the man knows very little about the operation of modern day machinery.

Daily lives of Hutterite people are "scheduled" from early morning until bedtime. Routines are rarely broken. The routine begins early. Children are in "nursery" school at an early age (2½ years). They are fed on schedule. The hours are consistent. There's a time to eat, a time to work, a time for German school, a time for English school, a time to rest, a time to sleep.

An English teacher must try to instill in the individual pupil a desire to learn even though the subject matter may seem irrelevant. Homework is not wanted because evenings are filled with work responsibilities and learning German Bible verses. Library reading must be encouraged during English school hours. The goals of learning must be accomplished within the "English School Day."

#### REGISTRATION:

Usually the English teacher comes to the school one day before classes are to begin. There is not much point in coming earlier; because the school building is the church, so often nothing can be done until school opens. There may be records for the previous term, and then again, there may not be. Help with names, ages, birthdates, class assignments, etc., can be had from the older girls in attendance. Sometimes the older boys do not enroll until the urgent fall work is completed.

All children within the age groups of seven through fourteen will appear. Age six children go to German school. Identifying children becomes the first order of the day. Many first names may be the same. Several may have the same first and last names. It takes awhile to sort out the "families". For instance, there may be a David S. Wipf. He is the son of Samuel Wipf. Another David is David Jacob Wipf, son of Jacob D. Wipf. The third David is David John son of John P. Wipf.

Hutterite children must comply with the State law by going to English school until they have completed eight grades, or until they are sixteen years of age. So if a child has a birthday in January or even April they must complete the eighth grade. However, at age fourteen, all are considered adults in the colony. They accept the responsibilities of adults in the "work" sector. They eat with the adults. A teacher would then be unreasonable if a child were to be detained at the scheduled noon mealtime. The "adult" child would not eat later. It's a matter of status!

#### STUDENT DISCIPLINE POLICY:

All the minor types of discipline found in public schools are also found in a Hutterite school. Kids are kids! Tardiness, eating sunflower seeds, or candy, chewing gum, failure to do school work, untidiness, disobedience, writing on desks, fighting, teasing, cheating, fits of anger, etc., are some of the most prevalent.

However, there is support for the teacher from the German teacher. In fact, the German teacher is somewhat in the same situation as the principal of another school. For a beginning teacher in one of these schools, seeking help and learning from him what punishments are advised could be helpful.

### CLOTHING FOR TEACHERS:

It seems a little ridiculous to need to mention clothing for teachers, but previous incidents makes it advisable. Neat, conservative dress is recommended. Women teachers may wear dresses, slacks or pantsuits. However, the dresses or skirts should not be extremely short. Dresses and tops should not be "low-cut". Men teachers should dress neatly and in good taste. The setting is rural but that should not mean slovely dress. Hutterites wear good quality clothing even though it is homemade. Their clothing and themselves are clean. Teachers should be a favorable example, too.

### THE SCHOOL DAY:

Individual colonies may vary within what is a school day. At the beginning of the term the German teacher and English teacher should have a consultation, and reach an amicable time schedule.

English teachers should be made aware of the fact that when certain work activities are being done, some children will be absent. Some children may need to be tardy because of the work they must do. Hutterite children are just like other children. Sometimes they try to see how far they can go before there is a reckoning. Perhaps it has been decided they may be ten minutes late, the ten minutes becomes twelve or fifteen. With the help of the German teacher, the teacher should be prompt, too.

With one teacher in charge, all duties performed by several teachers in other schools, become the responsibility of the one teacher. Building and classroom discipline are to be handled by him or her during English school hours. However, the German teacher may function as the principal of a private school in extreme situations. As in public schools, parents may not harass the teacher. The German teacher should make this clear to all parents in the colony. Good school discipline is not only important in itself, but is essential for valuable

earning to take place.

#### SCHOOL SUPPLIES:

Books, paper, etc. are not as plentiful in a Hutterite school as in some public schools. It should be a teachers aim to be as economical as possible with supplies. This means that the teacher must watch the children to waste.

#### SCHOOL ROUTINE:

Hutterites do not observe some legal holidays, Labor Day, Thanksgiving, Veteran's Day, New Year's, etc. They do have "church days" which makes it impossible to have school because the building is used for church. No exception will be made. Most colonies do not allow time made up on Saturday. It is impossible than that the colony (German teacher) and the English teacher workout some sort of compromise concerning this problem.

#### MINIMUM RULES:

Minimum rules that help provide a proper atmosphere for a meaningful education seem necessary: The safety of the children is important.

1. Running in the school is dangerous and should be discouraged. It seems a good practice to have orderly dismissal of pupils, too.
2. Verbal and physical abuse among children.
3. Discourage throwing of objects such as rocks, sticks, dirt, snowballs, etc.
4. Sharp articles such as knives, toys, etc, are not to be brought to school.
5. Discourage whispering because it interferes with efforts of those who may be trying to study.
6. Care of property, school furniture, books, classroom is the responsibilities of all, not just the girls who sweep and mop. Chalkboards should be reasonably clean for use of the English teacher at the beginning of each school day.

#### AN ENGLISH TEACHER SHOULD BE AWARE OF THE FOLLOWING FACTS:

1. Private Hutterite schools are maintained because the people wish to keep and continue their own culture.
2. Teachers must not interfere in anyway with the religion or mode of life of these people.

3. Sex education is an area to be left entirely to the colony.
4. Hutterites are conscientious objectors. (If you can't accept this, don't try to teach in their schools.)
5. Hutterite colonies pay income taxes.
6. Hutterite colonies pay property taxes the same as any corporation in the county, or state.
7. German is the home language; English, the second language.
  - (a) Creates problems in understanding, and communication in general.
  - (b) Penmanship.
8. No two colonies are exactly the same.

glacier county superintendent of schools

Darryl Omsberg, Superintendent  
Glacier County Courthouse

1982-1983

HUTTERITE WORKSTUDY PROGRAM  
GLACIER COUNTY, MONTANA

The Community **AS** the Classroom



The Community **IN** the Classroom

STUDENT'S NAME: \_\_\_\_\_

COLONY: \_\_\_\_\_

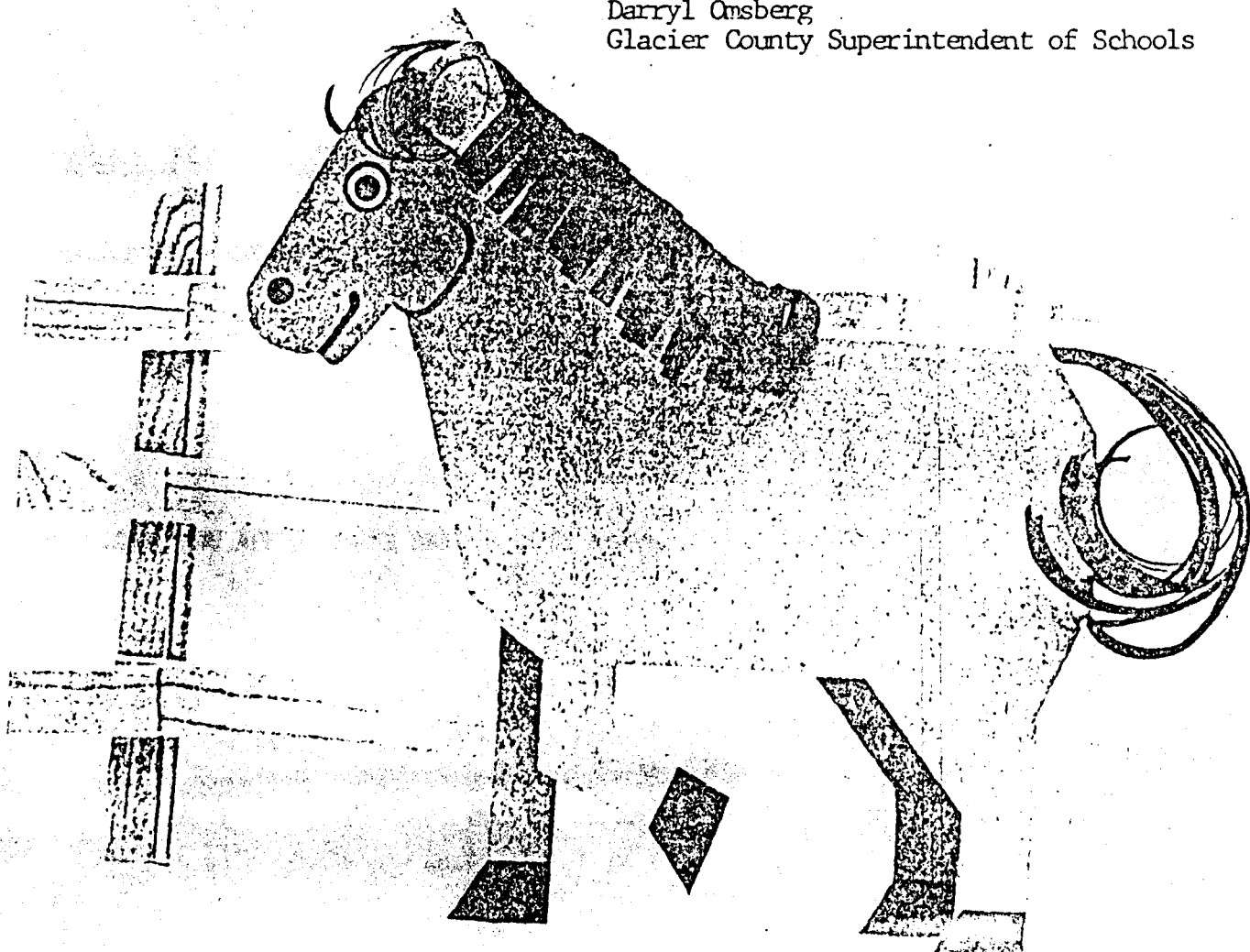
BIRTHDATE: \_\_\_\_\_

\*\*\*\*\*

All students who have completed the eighth grade, but who are not sixteen, must keep a complete and accurate accounting of their assigned workstudy projects in this booklet.

The purpose of the workstudy program is to utilize the community resources outside of the classroom. The projects are short-termed and the student will enrich their knowledge by participating in the community workstudy projects.

Darryl Omsberg  
Glacier County Superintendent of Schools



February 2, 1983

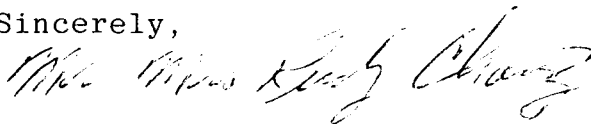
Senate Education Committee  
State Capitol  
Helena, Montana 59620

Senators,

We, as parents, feel we have the obligation to decide whether our children should attend a private school.

We feel also the state should not have any authority over our christian school and we are not in favor of SB-253.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mr. and Mrs. Rudy Chavez".

Mr. and Mrs. Rudy Chavez  
510 S. 5th West  
Missoula, Montana 59801

NAME Norman Cherry BILL NO. 253  
ADDRESS Bx 211 Park City MT 59063 DATE 2-2-83  
WHOM DO YOU REPRESENT Yellowstone Valley Christian School  
SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*I oppose bill 253 because it does  
not allow freedom of religion.*

NAME: Karen T. McBee DATE: 2-2-83

ADDRESS: 302-D So. 16th Bozeman

PHONE: 586-1189

REPRESENTING WHOM? Montana Homeschoolers' Assoc.

APPEARING ON WHICH PROPOSAL: S. Bill 253

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: I oppose for these reasons:

1 unconstitutional infringement of freedom of religion

2. violation of separation of church & state

3. problems in integration of private schools and public schools can be solved in other ways than the regulation of private institutions

a. entrance exams before entering public schools

b. these problems have always existed between ~~set~~<sup>states</sup> and within Montana

4. Homeschool being cut out

5. Auto power over private sch. in hands of county <sup>sup.</sup>

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

There are other bills dealing with the compulsory attendance law, home schooling submitted to the House and Senate Education Committees. The education organizations mentioned above are supporting an extremely restrictive bill that I don't think any of you would want. They want complete control of our children and curriculum, through teacher certification, textbooks and accreditation. They will get their way unless we let our desires be known to our representatives in Helena. It is very important and impressive and influential to have many witnesses at these legislative committee meetings, and if you can't leave your business or home to personally contact your representatives, please write letters stating your views. We have the Bible, the Constitution, and the laws of Montana on our side, and let's let them know that we know! And please be brief, factual, and specific.

As long as House Bill 49 is in Committee, it is important that you write or call the members of the House Education Committee, listed below. Their recommendation will make or break this bill. Once the bill leaves the Committee, it is important to contact the Representative from your own area. If it should pass the House, then the bill will be considered by the Senate Education Committee, then the full Senate, etc. You can call a toll-free number to find out the status of the bill, or any bill in which you have special interest. The phone number is 1-800-332-3408. You must know the number or sponsor of any bill you're interested in. If you wish to call any Representative, call 1-449-4800 and ask for him or her. This number is the House switchboard, and the operator will connect you with the Representative if he is available. To find out the name of your own Representative and Senator, call your local newspaper.

This is our chance to have home schooling explicitly permitted in Montana by law. Support Rep. Ken Nordtvedt's House Bill 49 as originally written.

\* \* \* \*

#### HOUSE EDUCATION COMMITTEE

Fritz Daily, D-Butte, chairman  
Roland Kennerly, D-Babb, vice chairman  
Gene Donaldson, R-Helena  
Ralph Eudaily, R-Missoula  
Joe Hammond, D-Alberton  
Tom Hannah, R-Billings  
Mike Kadas, D-Missoula  
Nancy Keenan, D-Anaconda  
Les Kitseiman, R Billings  
Earl Lory, R-Missoula  
Ron Miller, R-Great Falls  
Les Nilson, D-Great Falls  
Gerry Nisbet, D-Great Falls  
Ray Peck, D-Havre  
Jack Sands, D-Billings  
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Jack Haffey, D-Anaconda  
Joseph Mazurek, D-Helena

[Letters to any of these persons should be addressed to them at the State Capitol, Helena, Montana 59620.]

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#### NEWS UPDATE FROM OTHER STATES:

MISSISSIPPI: "It is not the intention of [the State] to impair the primary right and the obligation of the parent . . . to choose the proper education and training for such child, and nothing in said sections shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, or any kind whatsoever that is not a public school . . . ; or . . . to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school." [§37-13-99] Compulsory attendance "shall not apply . . . to any child who is receiving proper instruction in the home." [§37-13-97]

MICHIGAN: A judge exempted private Christian schools from state supervision of their curriculum and teachers in early January, 1983. This affects the whole state. There is now a legal doubt as to whether the compulsory attendance requirement is legal, according to Asst. Attorney General Gartner. See January 10, 1983, Time Magazine, page 66.

NORTH CAROLINA: In August, 1982 a federal court found the state's compulsory school attendance law unconstitutional. A 1st Amendment right to freedom of religion was more compelling than the state's right to enforce universal uniform education.

LOUISIANA: In 1980 Louisiana totally deregulated private education. There is no minimum number of pupils and anyone can teach. Anyone can start a private school if he foregoes state and federal funds. [R.S.17:236 amended by Act 828, 1980.]

MONTANA: Interested in a local home schooler's newsletter? Write Debbie Kersten, Box 1008, Belgrade MT 59714 for details.

To all Home Schoolers:

On Monday, January 10th, at 12:30 PM, the Education Committee of the House of Representatives met in Helena, Montana, in room 420 of the Capitol Building to discuss House Bill 49, sponsored by Rep. Ken Nordtvedt of Bozeman. This bill would change the wording of the compulsory attendance law to permit home schooling in Montana. The law presently excuses a child from public school attendance under Law 20-4-102 (formerly 75-6303), subsection (3) if "the child is provided with supervised correspondence study or supervised home study under the transportation provisions of this Title." Rep. Nordtvedt's bill would remove the words "under the transportation provisions of this Title."

About forty or fifty proponents of the bill were present, and many testified before the Committee. I spoke as one who had educated my children since 1972 and that they had gone on to college with no problems of adjustment (socialization) and with good grades (academic). I briefly explained my teaching day of no more than three hours and no more than eight months per year, showing my children's college entrance tests with results superior to those of the state's. The state, by the way, tests only college-bound students, not all students.

Attorney and pastor Doug Kelley of Helena brought out some very interesting legal aspects regarding our present law and the Attorney General's 1980 Opinion that stated a home is not a "private institution" and school cannot be taught in the home. John Maynard, the assistant Attorney General who was the primary author of the 1980 Opinion, was present but did not testify except to answer one short question by the Committee. Originally home study was permitted by law in Montana. However, in 1971, Senate Bill 1 permitted codification of the laws of Montana. In other words, all the laws were systematically reorganized to eliminate duplications, excessive language, and any redundancy without changing the meaning. Mr. Kelley introduced as evidence not only the old laws [that had explicitly permitted home instruction], but the minutes that accompanied Senate Bill 1 explaining that it was not the intent of that bill to change or eliminate the meanings of any laws. It was the result of this codification that the home study provision of the education law was omitted and lumped under the "private institution" provision with all other non-public educational institutions, whether private, parochial, correspondence, or home study, since in Montana a "school" is established and maintained at public expense, and "private institutions" are not.

Other parents--McBees of Bozeman; Parnells of Butte; Kerstens of Belgrade; Suttons of Broadview; and many others from other areas in Montana--testified in favor of home schooling. A professional historian testified in favor of the bill. Several pastors testified. Two retired public school teachers testified. Most cited Biblical and Constitutional reasons that freedom of choice in education is a right of parents. Many parents simply distributed written testimony to the Committee, and many of us distributed literature documenting the quality of home education, giving the names of some famous persons who were home schooled, and so on. Many parents, pastors and Christian school administrators simply were present to witness the proceedings.

Opponents of the bill were all representatives of state of teacher organizations: Alan Gunderson, chairman of the State Board of Education; Wayne Buchanan, Montana School Boards Association; Dave Sexton, MEA; Rod Svec, assistant State Superintendent of Public Instruction; and a couple of others representing organizations dealing with abused children and those with psychological problems.

It was interesting to note that all but one of these same persons testified just a few minutes earlier in favor of another bill the Committee is considering that would remove the oath to the Constitution that teachers must take. During their testimony on that bill they said it denied them freedom of choice and it was unconstitutional to force teachers to take the oath! It came out in their testimony that no teacher has taken the oath since 1975 anyway, a direct violation of the current law! They also testified that the home schoolers present in the room were not the ones causing them problems, but those who didn't come. Ironically, two families present in the room are currently being prosecuted and two more threatened with prosecution because of those organizations whose representatives stated what conscientious, industrious parents we were!

Rep. Nordtvedt did a marvelous job of presenting his bill and his reasons for it. He is a strong proponent of parental rights and pluralism in education. He is aware of the steady decline in public education and the different philosophies held by proponents of Christian education, whether in church schools or the home. He believes that parents should have alternatives, even if not based on religious grounds. His bill would give the supervision of the child's education to whomever supervises the child and would in no way threaten public school transportation to those who want it.

House Bill 49 is presently "tabled" in the Education Committee. This means that it is being discussed. Amendments to it are being considered; the exact wording is being considered; some Committee members want to join it to other bills under consideration. It is possible the bill could remain tabled until an effective death. However, if the Committee releases the bill, with or without amendments or rewording, it will go to the full House of Representatives for consideration. No bill is enacted into law without the approval of the House and the Senate, and the signature of the Governor.